

BOARD OF SELECTMEN
JANUARY 5, 2016
MCCAULIFFE HEARING ROOM

Present: John Rooney, Chairman; Paul Cimino, Dan Kolenda, Bonnie Phaneuf, Brian Shea and Mark Purple, Town Administrator.

The Board opened the meeting and voted to enter Executive Session by roll call vote per M.G.L. Chapter 30A, Section 21, and returning to Open Session - issue to be discussed is **(1) to consider the purchase of real property (Exemption 6)**, as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position.

Pole hearing-Oregon Road: This matter was tabled from a previous meeting based on revised material. Crystal Tognazzi appeared from National Grid. A new sketch has been provided, assuring that the pole is in front of 10 Oregon Road. The builder is responsible for requesting road opening permits, restoring the road to original condition, etc. Water and other questions of damage are the builder's responsibility, not the electric company. There were no questions from the Board. The pole petition was approved from P-6 to a new development called Stoneybrook.

Town Moderator: Mr. Coombs came before the Board to thank Mr. John Butler for his nearly twenty years' service on the Advisory Committee. Mr. Coombs wants to make an appointment immediately, as the budget is in full swing and made an appeal for volunteers. He would like to see newer residents and younger residents who would like to get involved in town government. The Board echoed Mr. Butler's loyal service.

Transfer Station stickers: The Board met with Jim Hegarty, Town Clerk to discuss a proposal to move the sale of transfer station stickers to the Clerk's office. Mr. Hegarty noted that residents will be able to pay in person, online or by check. He feels if they can use data from the excise tax files located in the treasurer's Office, they may be able to make the sticker renewal process easier. He would like to do a one-day renewal process in September at the senior center, with the help of teenagers working for the Recreation Department, in addition to selling stickers at transfer station on a Saturday and renewing stickers on the spot. The Clerk's role will be just to issue the sticker, the management of the process and regulations will remain with the DPW. The Board indicated their support of this change.

No public comment.

Town Administrator report: Mr. Purple informed the Board the staff is moving into the budget review phase and beginning town meeting preparation.

Consent Agenda: The Board voted to approve Items 1 and 3-7. Second by Dan. Approved unanimously.

1. Appoint Sarah A. Cassell to Southborough Emergency Planning Committee [SEPC], Sara Title III, as Youth & Family Services representative, term indefinitely.
2. Closing of 2016 Annual Town Meeting warrant.
3. Set regular Board of Selectmen meeting schedule through April 2016.
4. Youth & Family Services donation of \$225.00.

5. Approve corporation change for Common Victualler License, 21A Turnpike Road from Jay Maa, LLC, d/b/a Subway to Rohini, Inc., d/b/a Subway.
6. Appoint Angel Burgos as Maintenance Technician, Facilities Department.
7. Approval of December 15, 2015 Executive Session minutes.

Meeting dates: The Board will adhere to the first and third schedule.

Town Meeting Warrant: The Board voted to close the warrant for the annual town meeting. Mr. Shea asked if construction could be added to the public safety facility article, and that could be accommodated since this is just a placeholder. Mr. Kolenda asked why there is an article for transfer station fees and fines. It was noted it is an article from two committees, being submitted by the Green Technology Committee and the Public Works Planning Board. This article requires the Selectmen to set the violation fees annually in the regulations. [Appeals have been handled by staff and one board member]. This stipulates that the board has all of the responsibility for the violation hearings, not a designee. Mr. Shea feels it should go to town meeting, out of respect for the report made by both committees. Mr. Rooney still wants to designate an administrative role. The Board was not opposed to the article going to town meeting, but did not agree they should be the sponsor. The Board would like to discuss the content of this article at the January 19th meeting with both committees. Mrs. Phaneuf stated that she would like the article sponsored by those committees, prefers to close the warrant tonight, and discuss merits of the article at the next meeting. The Board voted unanimously to close the annual town meeting warrant, with the change of sponsor for Article 41.

At 7:40 the board returned to executive session and will not return to open session.

Submitted by Jennifer Hom, Recording Secretary.

**BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES
February 2, 2016
McAULIFFE MEETING ROOM
17 COMMON STREET, SOUTHBOROUGH**

Present: John Rooney, Paul Cimino, Bonnie Phaneuf, Brian Shea and Mark Purple, Town Administrator.

Mr. Rooney called the meeting to order at 10:42 PM. The purpose of the Executive Session was to consider the purchase of real property (Exemption 6).

St. Mark's/Public Safety Complex

Mr. Purple updated the Board on the appraisal process for the Police/Fire Stations, Stump Dump and golf course parcels. Numbers had been forwarded from the appraiser, but the full appraisal would not be available until the middle of the month. At that point, both sides could share their appraisals and meet to discuss next steps. Mr. Purple inquired as to whether or not the Board wanted to continue with Mr. Rooney, Mr. Shea, and Mr. Purple as the Town's negotiating team. The Board was in agreement to continue with the same team.

Mr. Cimino made a motion to leave Executive Session at 10:57 PM, seconded by Mr. Shea. Unanimous roll call vote to approve, 4-0-0.

Respectfully submitted,

Mark J. Purple, Town Administrator

Documents used in the meeting:

- None.

Board of Selectmen Meeting Minutes Tuesday, February 2, 2016 McAuliffe Hearing Room, Southborough Town House

Present: John Rooney, Paul Cimino, Bonnie Phaneuf, Brian Shea, and Mark Purple, Town Administrator
Absent: Dan Kolenda.

I. Scheduled Appointments

1. 6:30 pm Class II License Hearing – Right Way Auto Sales, Inc., 355 Turnpike Road

Mr. Vinnie Souza submitted an application for Class II License for Right Way Auto Sales, Inc., He currently has a business in Worcester and is now seeking a larger and more visible location for resale of automobiles. He is also asking the Board to consider extending the hours of operation to include Sundays, from 12 noon to 4pm. Mr. Cimino moved the Board vote and approve the Class II License for Right Way Auto Inc., with the modification of allowing business on Sundays from 12 noon to 4pm. Mr. Shea second the motion. All in Favor-4-0.

2. CommCan, Inc., RE: Siting of Medical Marijuana Dispensary

Mr. Valerio Romano, Esq. and Mr. Marc Rosenfeld, Esq and founder of CommCan, Inc., provided a presentation of the Medical Marijuana Dispensary site they are seeking to locate at 255 Turnpike Road. Mr. Romano and Mr. Rosenfeld briefed the board on the team and experience, application process, business operation, security, and the site location in Southborough. It was then opened to public comment with a combination of support and non-support for the Board to approve a letter of non-opposition to CommCann. Inc., Mr. Cimino would like a commitment from Mr. Rosenfeld to continue to evaluate alternative sites through the balance of the process if they were to get a letter of support from the Board this evening. Mr. Rosenfeld pledged to continue to seek other available properties and report back to the Board on a date specified. Mr. Cimino move that the Board issue a Letter of Non-opposition to CommCan. Inc., to operate a registered Medical Marijuana Dispensary in the Town of Southborough, with no address specified at this time. Mr. Shea seconded the motion. All in favor.

3. David McCay, RE: EDC update and discussion of statutory Industrial Development Commission.

Mr. McCay, Chair of the Economic Development Committee and Ms. Pam DiGiovanni, EDC Coordinator provided a brief update on the Economic Development Committee and projects they have been working on, including businesses across the community and outreach with 28 businesses. EDC is currently operating as an ad-hoc committee. The committee does not want to lose their identity as EDC although the feeling among the committee members is that the IDC would be better structured and lends to greater credibility from an operation standpoint. The committee will seek counsel and come back to the Board with the recommended course of action.

II. Public Comment

Mr. Jim Hegarty, Town Clerk, would like to bring attention to the upcoming Primary Election. There is no such term as an Independent Voter, the technical term is Unenrolled Voter. There are 4 parties that will have ballots available at the elections. The Democratic Party, the Republican Party, the Green Rainbow Party, and the United Independent Party. The United Independent Party is not the same as an Unenrolled Voter. If someone is signed up for one of these 4 parties, they will be handed a ballot for that specific party even though there are no candidates on that ballot. Citizens have until February 10 to register to vote or

change their affiliation. Please contact the Town Clerk's office if you are not sure of your voting declaration.

III. Reports

- **Town Administrator Report**

Mr. Purple would like to acknowledge the Opioid Use and Abuse Forum that was put forth at Algonquin Regional High School. He would like to recognize Rep. Carolyn Dykema and Police Chief Paulhus for representing Southborough on the panel that evening. Mr. Purple will be posting on the town website the Mass Municipal Report of Opioid Addiction and Tack Force which will serve as a good resource for the community.

- 1. FY 2017 Budget Update**

Mr. Ballantine provided an update on the FY2017 budget reporting on the revenues, expenses, new initiatives, continued funding, tax impact, and items going forward. A detailed report will be provided electronically to the Board identifying the capitalized line items.

IV. Consent Agenda

Mr. Cimino made a motion to approve all items from the consent agenda. Mr. Shea seconded. All in Favor.

1. Appoint Mark A. Spruill to Southborough Emergency Planning Committee (SEPC), Sara Title III. As Emergency Management Specialist, term indefinitely.
2. Appoint Brian G. Shifrin to Community Preservation Committee as SHOPC representative, term to expire June 30, 2017.
3. Signing of Presidential Primary Warrant.
4. Accept resignation of Karen Galligan as Tree Warden.
5. Appoint Christopher B. Leroy as Tree Warden, term to expire June 30, 2016.
6. Accept donation to be allocated to library donation account.

V. Other Matter Properly Before the Board

- 1. Approval of Preservation Restriction for 84 Main Street.**

The board discussed the town negotiations to enter into an agreement that secures a preservation restriction which will prohibit and maintain structure located at 84 Main Street. Mr. Cimino moved that the Board accept the draft preservation restriction agreement between Town of Southborough by and through the Southborough Historical Commission and 84 Main Street, Southborough, LLC. The draft would be subject to review by the Massachusetts Historical Commission and will also be subject to commission appraisal by the Town to determine the value of the substance of the restriction, as well as town meeting approval. Mr. Shea seconded the motion. All in Favor.

Mr. Cimino amended the motion to direct CPC to move forward with the appraisal concurrent with the Mass Historic Review. Mrs. Phaneuf seconded. All in Favor.

VI. Executive Session

The Board voted by roll call vote to enter into Executive Session at 10:41pm, per M.G.L. Chapter 30A, Section 21, and not returning to Open Session- issue to be discussed is (1) to consider the purchase of real property (Exemption 6) as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position. Unanimous roll vote: Rooney, aye; Cimino, aye; Phaneuf, aye; Shea, aye.

Submitted by Jenn Hom, Recording Secretary

**Board of Selectmen
February 16, 2016
McAuliffe Hearing Room**

Present: John Rooney, Chairman; Dan Kolenda, Bonnie Phaneuf, Brian Shea, Mark Purple, Town Administrator. Absent: Paul Cimino

Other Matters Properly Before the Board

1. Policies on Workplace Violence Prevention, and Professional Conduct.

Ms. Vanessa Hale, Assistant Town Administrator, presented a packet which included the Workplace Violence Prevention Policy and the Professional Conduct Policy to see if the Board has any preliminary questions. These policies were drafted in consultation with Labor Attorney and Personnel Consultant. The Personnel Board will also be reviewing these policies and is also requesting review and approval from the Board. Ms. Hale acknowledged the request from Mrs. Phaneuf to reword the language on Page 4 regarding Human Resource as there is no such position outlined at this current time. Mr. Rooney requested to put these two policies and the Customer Service policy on the 2/29 agenda for vote. The rest of the Board agreed.

Public Comment

Mr. Kolenda recognized and publicly thanked Ms. Terry Newman for putting together a documentary of the Southborough Veterans which is available to view on the Southborough Access Media website. Mr. Kolenda also presented Ms. Newman with a Judge Advocate General Coin for her special efforts.

Scheduled Appointments

1. Final report of the Sidewalk Construction Recommendation Committee

Matthew Chase, Chairman

Mr. Chase provided a further breakdown and overview of the report that was provided to the Board. He explained the process it took to come up with an impartial review of streets by a ranking system. DPW will utilize this ranking list as a guide to develop a policy to bring capital sidewalk projects forward. The Board thanked the committee for the thorough and comprehensive report.

Reports

- Town Administrator Report

- 1. Report on Town owned buildings

Mr. Purple provided a review of the under-utilized town buildings.

- Fayville Hall: Currently houses Youth and Family Services and Southborough Media Access. SAM is expected out to move out by Sept, 2016. At that time, the town will assume all operating expenses for the building. Y&F Services Department has 2.5 employees.
 - Fire Station #2: Presently houses work and storage space for the DPW Grounds Division.
 - South Union Building: Recreation Department with 2.5 employees is the only department using this building. The building does have additional classrooms where recreation holds various programming and meeting spaces for different town organizations.

Mr. Purple presented the Board with options on the possible next steps with these buildings. The Board agrees that action needs to be taken on these under-utilized buildings. Mr. Rooney made a motion to vote to support the sale of Fayville Hall structure and the

adjacent parcel [parking lot] and the property commonly known as Station 2. Mrs. Phaneuf seconded. All in favor.

2. Update on April 11, 2016 town meeting warrant

There were some discussions during the Medical Marijuana Agenda Item that a potential citizen petition will come forward which has resulted in a request to reopen the warrant. Understanding that there will be low attendance this week due to school break, Mr. Rooney has asked the discussion to re-open the warrant be placed on the February 29th agenda to give citizens an opportunity to present to the Board. He encouraged that any citizen petitions be submitted to town hall before February 29 to be considered for reopening. Mr. Purple mentioned that some of the place cards have slipped off the warrant. The EDC has asked to take their place holders off as they will not pursue their stature change to IDC but will continue to operate under EDC. Couple of other articles are waiting on language to come back. Town Counsel has reviewed several articles already.

Mr. Purple would like to report that the two special acts have been approved. One for the 9-11 field to enter into a 15 year lease with DCR as well as the special act to grant Stoney Brook Market an all alcohol license.

Consent Agenda

Mr. Rooney moved to approve items 1 to 4; Mrs. Phaneuf seconded. Mr. Kolenda abstained from Item 1. The Board approved items 2 to 4 with a 4-0 vote.

1. Approve December 1, 2015 minutes
2. Accept donation to be allocated to library donation account.
3. Accept donation to be allocated to Youth and Family Services donation account.
4. Accept donation from Breakneck Hill Cow Fund.

Adjournment

Meeting adjourned at 8:15pm

Next BOS meeting is scheduled for Monday, February 29.

List of documents referred to at the February 16, 2016 BOS meeting.

Memo and final report from Matthew Chase, Committee Chair-Sidewalk Construction

Town report and packet from Mr. Purple on the town owned buildings

Draft on town meeting warrant

Meeting minutes from December 1, 2015

Memo – Better Worlds Book donation to library

Memo – client donation to Youth & Family Services

Memo –donation from BreakNeck Hill Cow Fund

Workplace Violence Prevention Policy

Professional Conduct Policy

Submitted by Jenn Hom, Recording Secretary

**BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES
February 29, 2016
McAULIFFE MEETING ROOM
17 COMMON STREET, SOUTHBOROUGH**

Present: John Rooney, Paul Cimino, Dan Kolenda, Bonnie Phaneuf, Brian Shea, Mark Purple, Town Administrator, and Police Chief Ken Paulhus.

Mr. Rooney called the meeting to order at 9:35 PM. The purpose of the Executive Session was to discuss compensation with Chief Paulhus for the third year of his contract (Exemption 2), as well as discuss further negotiating strategy regarding St. Mark's School (Exemption 6).

Chief Paulhus

[REDACTED]

[REDACTED]

St. Mark's/Public Safety Complex

Mr. Purple said that the appraisals for all three properties had been completed by both St. Mark's and the Town. St. Mark's did not do an appraisal on the golf course, as they agree with the market value on the Assessor's property card. Both sides have exchanged appraisals. Mr. Rooney said that he would like to set an initial payment of \$1.5M to St. Mark's, with the intention of the final number being between \$2M and \$3M. The Board did not disagree with that approach. It is the intention to give a brief report to Town Meeting in April under Article 1, to set the stage for a special town meeting in the fall.

Mr. Cimino made a motion to leave Executive Session at 10:22 PM, seconded by Mr. Shea. Unanimous roll call vote to approve, 5-0-0.

Respectfully submitted,

Mark J. Purple, Town Administrator

Documents used in the meeting:

- Property appraisals for Town and St. Mark's, relative to 32 Cordaville and 21 Main Street.

Meeting of the Board of Selectmen
Meeting Minutes
Monday, February 29, 2016
McAuliffe Hearing Room, Southborough Town House

Present: John Rooney, Chairman; Paul Cimino, Dan Kolenda, Bonnie Phaneuf, Brian Shea and Mark Purple, Town Administrator

Mr. Rooney called meeting to order at 6:33pm

I. Scheduled Appointments

This is a joint meeting with the Planning Board Committee

Planning Board Committee members present: Donald Morris, Chair; Kathleen Bartolini, Phil Jenks and Jesse Stein

1. 6:30 pm Road Layout Hearing – Foxhill Drive

Mr. Morris mentioned that the Planning Board met earlier and voted 3-0 to recommend acceptance of the article in the warrant as is written. Mr. Morris recommended to the Board to make a motion to accept as recommended. The town will take ownership of the road and the related easements. Mr. Cimino moved that the Board vote to accept the street acceptance plan of Foxhill Drive recommended to Town Meeting for acceptance at Town Meeting vote. Mr. Shea seconded. All in Favor

2. 6:45pm Road Layout Hearing – William Colleary Lane

The Planning Board voted 4-0 to recommend acceptance of the warrant as is written in the article. Mr. Jason Malinowski, 1 William Colleary Lane, addressed a drainage issue at the intersection of William Colleary and White Bagley Road. During heavy rain, water pools there and creates a hazard. When he spoke with Ms. Galligan, last Friday, she had indicated an oversight and that there should be a scupper installed. Mr. Malinowski has no issue with the article going to Town Meeting but that something that needs to be done between now and Town Meeting to address this issue. There was no standing water issue at that time when Ms. Galligan visited Mr. Malinowski but has given assurance that she will get a commitment from the developer to correct this issue before Town Meeting. Mr. Cimino moved that the Board approve the street acceptance plan of William Colleary Lane and recommend to Town Meeting that they vote to approve the same, subject to satisfying the drainage issue as discussed on the record. Mr. Shea seconded. All in Favor

3. Discussion with Planning Board about Town Meeting articles

- Killam Farm – Acceptance of Open Space

Mr. Morris discussed the condition of the open space of Killam Farm. The open space still remains with the developer as the owner and it is time to consider whether the condition of the open space would be accepted by the town. Because the open space does contain some farm debris, there was discussion about reaching out to a third party that might be interested to accept the land. The Planning Board did not take a vote on this and would like to have further discussions. Mr. Morris will research this further and provide more information to present to the Open Space Preservation Commission and the Board of Selectmen.

- Solar Bylaw

Jesse Stein briefed on the proposed Warrant Article 27 for an overlaid district for as-of-right commercial ground mounted solar energy system. This is part of the Green Communities effort. This bylaw needs to be passed at Town Meeting in order to become

a Green Community and be eligible for grant funding from the State towards energy efficient projects.

- Pine Hill Conservation Restriction

The developer formed a preservation trust named Trusteed to oversee and manage this subdivision. The Trusteed of the open space has recently been transferred to different people and have requested that the article be pulled and that they would work on their own conservation restriction and present back to the Planning Board. The Planning Board will make a decision before Town Meeting whether this article will go forward or not.

- Amend Chapter 174, Article III, RE: Use Variances

This item was not on the Planning Board Agenda. However, Mrs. Bartolini was able to provide some information on it. This article for the over 55 Housing as currently written within our zoning bylaw has a provision that the owner of the over 55 project has to be nonprofit or a public entity. In a case that is going through the courts now, the provision of ownership is outside the legal jurisdiction of zoning where zoning only pertains to what kind of development occurred and how development can be shaped but and cannot say what entity can own and develop the site. The intent of this article that is put forth is to remedy the deficiency in the current bylaw.

The joint meeting adjourned at 7:53pm

Planning Board is still in session and will move the meeting to the Planner's office.

4. Discussion of Public Works Planning Board goals

Ms. Aselbekian, Public Works Chair had earlier discussions with the BOS regarding the underutilization of various Committees and Boards. One of the Boards that was identified for discussion was the Public Works Planning Board. Mr. Rooney and Mrs. Phaneuf met with Mr. Bezokas and Mrs. Aselbekian to go over issues and best way to move forward for the Public Works Committee to be an Advisory Board to the BOS. Mrs. Phaneuf also had discussions with Mr. Purple and Ms. Galligan to identify their individual roles. Mrs. Phaneuf requested that another Board member take part on continued discussions and identifying roles. She recommended Mr. Shea because of his involvement in the Main Street project. Mr. Shea accepted. Mrs. Aselbekian will be in touch with Mr. Shea for future meetings.

II. Public Comment

Mr. Rooney met earlier with Pam Lefrancois, Peg Leonard and Bill Harrington from the Senior Center regarding increased participation in decision making process. He suggested and have agreed to meet on a regular basis with interested parties at the Senior Center to discuss various town issues. The first scheduled meeting is this Friday at 9am. He encouraged the Board members to attend and bring their political thoughts and opinions for debate. Future meetings will be posted on the Senior Center website.

III. Reports

- Town Administrator Report

1. Presentation of FY17 Budget

Mr. Ballantine provided an overview presentation of the FY17 budget. Mr. Purple will have the Town Budget information in booklet form available to residents on or around March 12. Sam Stivers, asked about the current state of the Recreation Department 911 Pilot Program. It was discussed with Advisory that it was going to go into the Town Budget rather than user fees and given that it is currently in renegotiating contract with DCR, it would be appropriate time to change the contract language. Mr. Purple stated that fees are currently taken out of the user

fees and is still bound by that language in the existing permit contract. Mr. Rooney recommended renegotiating the language now so that it is not based on user fees since there is more flexibility to do it now than later. Mr. Rooney made a motion to approve the Recreation budget by \$9000. Mr. Cimino seconded. All in Favor.

IV. Consent Agenda

Mr. Cimino made a motion to approve Agenda Item 1. Mr. Shea seconded. All in Favor

1. Reappoint Mark a Spruill to Southborough Emergency Planning Committee (SEPC) , Sara Title III, as Emergency Management Specialist, term indefinitely.

VI Other Matters Properly Before the Board

1. Review and approval of policies

- Workplace violence Prevention
- Code of Conduct
- Customer Service

No discussions will go forward this evening due to work in progress for further review.

2. Discussion of Town Meeting warrant articles

Mr. Purple stated that there are 35 articles attached to the Warrant and is working with Town Counsel to finalize language on some of them. The intent is for the Board to sign the final Warrant at the next BOS meeting on March 15. There were three petitioned articles that were received in the office today. Mr. Rooney stated that a vote is required to reopen the warrant article for consideration. Mr. Shea made a motion to reopen Town Meeting Warrant Article. Mrs. Phaneuf seconded. All in Favor. Marni Hoolahan submitted a citizens' petition regarding the Marijuana Dispensary. Mr. Hoolahan has been informed that he will need to do the prerequisite before the Planning Board in order to get it to Town Meeting. The other articles to be proposed by the CPC are relative to 84 Main Street on the preservation and restriction article that requires a 2/3 vote and source of funding. CPC does not know the borrowing amount until they receive the appraisal and a vote is required by CPC as to what they will support relative to funding. The recommendation has to be done by March 21 before the Warrant goes to print. Mrs. Phaneuf would also like to request the removal of the Noise Bylaw, Article 28 because there has not been any public discussion on this matter. Town Counsel stated that a general bylaw is a civil majority vote and does not require a hearing. The Board feels that there should be opportunity of some public exchange on this topic and needs more time to get the language right for the next meeting. Mrs. Phaneuf made a motion to remove the Noise Bylaw, Article 28 from the draft warrant. Mr. Kolenda seconded. 4-1 vote with Mr. Shea voted to keep it on.

After the discussion of the warrant articles and the FY17 Budget, Mr. Rooney made a motion for the Board to close the warrant. Mr. Shea seconded. All in favor

The Board adjourned their open session at 9:30pm and unanimous roll call vote to enter into Executive Session

V. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session – issues to be discussed are (1) to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position, and (2) negotiations with non-Union personnel (Exemption 2).

List of documents referred to February 29th meeting

Road Layout regarding Foxhill Drive

Road Layout regarding William Colleary Lane

Memo from Desiree Aselbekian re: board and committee roles

FY17 Budget

WorkPlace Violence Prevention Policy (draft version)

Code of Conduct Policy (draft version)

Operational Policies and Procedures (draft version)

Town Warrant Article (draft version)

Submitted by Jenn Hom, Recording Secretary

*BOARD OF SELECTMEN
MARCH 11, 2016
MCAULIFFE HEARING ROOM*

Present: John Rooney, Chairman; Bonnie Phaneuf, Paul Cimino, Daniel Kolenda, Brian Shea.

The Board reviewed the annual town meeting articles and proposed FY17 budget.

The Board voted to support the following articles:

1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 28, 29, 31, 32, 33, 34, 35, 36,

The Board agreed to vote whether or not they support the following articles at town meeting:

6, 13, 14, 24, 26, 27, 30, 37, 38, 39.

Article 9: Mrs. Phaneuf stated that it should be noted the town will not be spending any money under this article unless town meeting voted to dispose of the facility known as Station 2.

It was also noted Mrs. Gillespie said the Community Preservation Council would probably bond the amount for article 14. Mr. Purple will determine if this would affect the wording of the article.

Mr. Purple explained the premise of municipal aggregation which the Town will seek approval under Article 23. The summary will note there is no cost to the town.

Article 33: The Board queried why would a fine be added if other articles call for removing a fine [Tr Station fine].

Article 35: The board noted the proposed public records law may affect this, some language is prospective and it is not numbered properly.

Article 36: This article changes the town election date from Monday to Tuesday. Needs to also be approved by the Northborough annual town meeting.

37-39 are citizen petitions filed by Ms. Hoolahan. The hearing before the planning board is on March 28, 2016. Mr. Rooney queried the retroactivity of the existing application if this article did pass. The board will check the listed article sub-section for accuracy, since the town cannot edit language submitted by a citizen. The petitioner is the only person that can amend language, which will have to be done in the motion at town meeting.

Marijuana Dispensary Host Agreement: The board needs to assign a delegate to negotiate a host agreement with Com Can on behalf of the town. Mr. Rooney and Mr. Shea were assigned. The Board voted unanimously.

Adjourned at 8:45 a.m.

Submitted by Vanessa D. Hale.

Town of Southborough, MA
Meeting of the Board of Selectmen
Tuesday, March 15, 2016, 6:30 pm
McAuliffe Hearing Room, Southborough Town House
17 Common Street

Present: Paul Cimino, Vice Chair; Brian Shea, Bonnie Phaneuf, Mark Purple, Town Administrator

Absent: John Rooney, Chairman; Dan Kolenda

Mr. Cimino called meeting to order at 6:32 pm

I. Scheduled Appointments

II. 6:30 pm State budget update with Senator Eldridge and Rep. Dykema

III. Sen. Eldridge and Rep Dykema are present to provide an update on the State Budget. Mr. Eldridge provided a letter that outlined the budget priorities. He went through the list of priorities. Ms. Dykema continued with her report of the budget priorities on the state and local level. Items mentioned were normal budget line items and where they are in the Governor's budget. On the local level, will be working with DCR on the leasing regarding 911 Field. Local liquor license housed 3719 was signed by the governor on 2/12. Superintendent, Ms. Johnsen was invited to the State House to discuss mental health issues and substance abuse and social health concerns. Ms. Dykema will advocate at the State House to make funding more available to Southborough. She has invited DCR to come speak with the Southborough community on open space, trails and how they can work closely to implement some things. Another key initiative is related to the economic development on I90, 495 and Route 9, she will continue to advocate that funding be allocated to Metro west transportation project. Mr. Purple appreciates the update and their support for the town. He asked if there may be any potential funding to assist the community with the public safety building, a \$22 million project, the largest capital improvement that the town will be facing. He also asked for long term funding approval to Chapter 90 to keep roads and infrastructure in good shape.

IV. Public Comment

None

V. Reports

Town Administrator Report

The Budget Document has been completed. It is online and hard copies are available at the Town Hall. Mr. Purple would like to thank Mr. Ballantine, Ms. Kriger, Ms. Colleary and all of the Departments, Boards and Committees with their help in putting this together.

IV Consent Agenda

Mr. Shea made a motion to approve item 1, Mrs. Phaneuf seconded. The Board approved with a 3-0 vote. Mr. Cimino was informed to correct item 2 with a term to expire date of March 15, 2018. Mr. Shea then made a motion to approve items 2-5. Mrs. Phaneuf seconded. Board voted 3-0.

1. Sign Annual Town Meeting Warrant
2. Appoint Kerry Stgermai Trippi to the Southborough Cultural Arts Council, Term to expire April 5, 2018.
3. Appoint Kristin L. LeVault to the Recreation Commission, term to expire June 30, 2016.
4. Nominate Jennifer A. Condon as Inspector of Animals.
5. Approve amendment to contract of Police Chief.

V. Other Matters Properly Before the Board

None

VI. Executive Session

Mr. Cimino and Board determined that there is no need to enter Executive Session

VII. Meeting adjourned at 7:11 pm

List of documents referred to at the March 15th meeting

Town Warrant Draft version 3/11/2016

Southborough Arts Council Volunteer form

Memo for Recreation Commission open seat recommendation

Nomination of Inspector of Animals

Letter from Senator Eldridge

Submitted by Jenn Hom

**BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES
April 5, 2016
McAULIFFE MEETING ROOM
17 COMMON STREET, SOUTHBOROUGH**

Present: John Rooney, Paul Cimino, Dan Kolenda, Bonnie Phaneuf, Brian Shea, and Mark Purple, Town Administrator.

Mr. Rooney called the meeting to order at 5:00 PM. The purpose of the Executive Session was to discuss negotiating strategy on 84 Main Street, the Burnett House (Exemption 6).

84 Main Street/Burnett House

The board discussed what they are willing to recommend to town meeting on this property. During the last session the Board agreed to 750,000 subject to an appraisal. Owner has since changed his mind and approached the town with a different plan of development rights only. Then the CPC with this concept and they funded an independent appraisal. Counsels discussed these terms and scope of PR. CPC voted to support up to 1.45M based on appraisal. App values highest [1.8M commercial use] and best use. Property subject to PR is 755K. If signed, value of property is reduced to 755K with a signed preservation restriction. The owner will not agree to any public access.

PC: repairs to the home being funded by town are external only. He is paying for a performance bond in the amount of 345K. The town will not assume ownership of the property. The renovations themselves are not CPC compliant.

He agreed to preserve property as is, no demo and no further development. Proposed period restoration and rehabilitation, which CPC can be used for. An 8 year build-out for renovations was reduced to 4 years. Bond can be used for restorations if owner does not comply. The value of the property is set when the preservation restriction is recorded.

Dan sticks with 750,000 and public access. Paul 970K. Dan does not approve of Paul's motion. Bonnie still concerned. Brian was not on the board when 750K was voted. Though he respects the negotiations already done, he will agree to 970 but wants to push public access. All agree it is a town meeting decision, not the board of selectmen. The board wants public access twice per year.

At 5:30 p.m., the following boards joined the Selectmen's meeting: Advisory, Historical, CPC, Planning and Finance Director Brian Ballantine.

Mr. Cimino explained the owner has offered to sell development rights to the town [no demo, period external restoration, PR does not speak to internal renovation, no public access]. Value of restricted property has been reduced by \$1.45 million. Property at highest use is 1.8M. Value of property as restricted is 775K. Includes commitment to complete historical renovations within four years.

Items that are not CPC applicable; final number in principle is 970K. In summary he gives development right worth 1.45 M. The owner will accept 970K in exchange for development rights as part of the preservation restriction.

CPC voted to advance the article to town meeting. The committee as a body will take no position. Each member will vote as they wish at town meeting. Committee members asked that the preservation restriction and appraisal be circulated to all members. Mr. Hubley spoke in favor of the project and the use of CPC funds as being ideal. The owner will continue to be responsible for insuring the property.

The meeting adjourned to open session at 6:30 p.m.

Respectfully submitted by Vanessa Hale, Assistant Town Administrator.

Documents used in the meeting:

- None.

Town of Southborough, MA
Meeting of the Board of Selectmen
Tuesday, April 5, 2016, 5:00 pm
McAuliffe Hearing Room, Southborough Town House
17 Common Street

Present: John Rooney, Chairman; Paul Cimino; Dan Kolenda; Bonnie Phaneuf; Brian Shea; Mark Purple, Town Administrator.

Executive Session:

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and will return to Open Session- issue to be discussed is (1) Preservation restriction for 84 Main Street (Exemption 6) as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position.

Open Session began at 6:38 pm

Scheduled Appointments:

1. 6:30 pm Package Store/All Alcoholic Beverages License-Southborough Variety Corp., d/b/a Stony Brook Market, 162 Cordaville Road, Suite 100, Salim Kassouf, Manager
Mr. Salim Kassouf is present to ask the Board to grant him an all alcoholic license. He currently has a beer and wine license. No questions from the Board. Mr. Cimino move to approve the Package Store/ All Alcoholic Beverages License. Mr. Kolenda seconded. All in Favor.
2. 6:45pm Pre Town Meeting
Town Moderator, Mr. Coombs is present to discuss pre-meeting preparations and go over articles and motions prepared by selectmen and proponents. Assignments of the warrant articles were also made.

Consent Agenda: Mr. Cimino made a motion to approve items 1 & 3; Mr. Kolenda seconded. The Board approved the items with a 5-0 vote. Mr. Cimino then made motion to approve minutes from January 5, 2016. This vote also passed.

1. Approval of MassDOT De Minimis Impact Determination for Town Common
2. Approve January 5, 2016 meeting minutes.
3. Accept letter of intent to retire from Maureen Colleary and David Hagen.

Other Matters Properly Before the Board:

1. Assignment of Annual Town Meeting warrant articles.
This was already discussed
2. Host Agreement for CommCan, Inc.,
Mr. Rooney and Mr. Shea were selected by this Board to meet with the applicant and the applicant's counsel to discuss a letter of non-opposition and negotiate a host agreement. Mr. Rooney addressed the 14 points that were discussed and negotiated with CommCan. It was then opened to the Board to discuss the terms followed by public comment. Mr. Rooney noted comments and concerns made forth by the Board and the Public. He will bring those concerns to CommCan and come back with a draft agreement where the Board can decide whether to vote for it and then have Town Council review it.

The Board adjourned their open session at 8:29pm and voted by roll call to enter Executive Session.

Executive Session: The Board will be entering into Executive Session per M.G.L. chapter 30A, Seciton 21, and not returning to Open Session- issue to be discussed is (1) Collective bargaining Agreements with Town unions (Exemption 2).

List of documents referred to at the April 5, 2016 BOS meeting

Liquor License Application for Southborough Variety Corp.

Annual Warrant

Memo from Karen Galligan on Main Street Right-of Way at the Town Common

Minutes from January 5, 2016

Letter of Intent to retire from Maureen Colleary and David Hagen

CommCan Host Agreement with Town of Southborough

Submitted by Jenn Hom, Recording Secretary

Town of Southborough, MA
Meeting of the Board of Selectmen
Monday, April 11, 2016, 6:00 pm
Room 190, Trottier Middle School
49 Parkerville Road, Southborough, MA

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SOUTHBOROUGH, MA

Present: John Rooney, Chairman; Paul Cimino; Dan Kolenda; Bonnie Phaneuf; Brian Shea; Mark Purple, Town Administrator.

The meeting was called to order at 6:00 p.m. to continue prep for the Annual Town Meeting.

Warrant Articles: The Board deliberated and took the following positions on warrant articles:

Article 6 The Board voted 5-0-0 to support the new collective bargaining agreement for the police union which includes wage adjustments of 2%, 2% and 2.25%.

Article 13: Regarding 84 Main Street, the Board voted 5-0-0 to support a Preservation Restriction for historical preservation purposes at 84 Main Street.

Article 14: The Board further voted 5-0-0 to support the disbursement of \$970,000 from Community Preservation Funds, to acquire a Preservation Restriction on 84 Main Street, also known as the Burnett House. It was noted this restriction will permanently protect the landscape and exterior of the buildings on this historically significant property.

Article 24: The Board voted 5-0-0 to accept William Colleary Lane as a public way.

Article 26: The Board voted 4-1-0 to support this article [if it is not withdrawn] relating to open space on Killam Farm. Mrs. Phaneuf did not support this article.

Article 30: The Board voted 5-0-0 to support this article which would place the open space parcels, currently owned by The Preservation Trust, into a Conservation Restriction (CR) to be held by the Conservation Commission, as monitoring agent, for permanent protection.

Article 37: This article looks to address zoning of parcels for medical marijuana dispensaries. It is a citizen petition that request town meeting approve the following regulations: A registered marijuana dispensary and/or cultivation activities shall only be located (i) on property that borders Route 9, (ii) not less than 1000 linear feet from a property line of a school, recreational facility, day-care center, or any facility in which children commonly congregate [see definitions in § 174-9J(2)(c) located in the Town of Southborough, and (iii) not less than 100 linear feet from a property line of a residence located in the Town of Southborough. The motion to support this article failed 2-3-0, with Mr. Kolenda and Mr. Shea voting in the affirmative.

Article 38: The Board supported this article 5-0-0.

Article 39: This article seeks to regulate the hours of operation for a medical marijuana dispensary. The Board did not support this article.

List of documents referred to at the April 5, 2016 BOS meeting

- Annual Warrant
- Town Meeting motions

The meeting was adjourned at 6:35 p.m.

Submitted by Vanessa Hale, Assistant Town Administrator

Board of Selectmen
Meeting Minutes
Monday, April 25, 2016, 6:30 pm
Rooms A/B, Cordaville Hall
9 Cordaville Rd, Southborough

Present: John Rooney, Chairman; Paul Cimino; Dan Kolenda; Brian Shea and Mark Purple, Town Administrator. Absent: Bonnie Phaneuf

- I. Mr. Rooney called Meeting to Order at 6:31 p.m. with a joint meeting with the Public Safety Committee.

II. Scheduled Appointments

1. Joint Meeting with Public Safety Study Committee – Status of Project
Mr. Al Hamilton, Chairman, asked the Board for any additional insight or instruction on how to proceed based on the project. Mr. Rooney provided an update in terms of negotiations with St. Marks to discuss the acquisition of land for the Public Safety Facility. The Board expects to have final negotiations within 2 to 3 week's subject to a vote at a potential special town meeting. The Board gave unanimous support for this project and asked the Public Safety Committee to move forward.

III. Consent Agenda

Mr. Cimino made a motion to approve consent agenda items 1,2,4,5, and 6. Mr. Kolenda seconded. All in Favor.

1. Approve Meeting Minutes: February 2, 2016; February 16, 2016.
2. Appoint John H. Wilson as Veteran's Agent and Burial Agent, term to expire April 30, 2017
3. Approve of Host Agreement with CommCan, Inc.,
4. Approval of successor CBAs for Police and Public Works unions.
5. Approval of policies on Customer Service, Code of Conduct and Workplace Violence.
6. Accept resignation of Anthony Schoener from Southborough Trails Committee.

Mr. Kolenda requested further discussion on Item 3. He provided a suggested revision to the current draft of the Host Agreement and asked the Board to rescind the letter of non-opposition at this time. Mr. Rooney said that the letter of non-opposition is not in the agenda and cannot be discussed this evening. In terms of Mr. Kolenda's revisions, which the Board received shortly before this meeting, are revisions to the agreement that Board members received several weeks earlier. Mr. Rooney does not support entertaining any further revisions as all of the revisions have been incorporated from the prior Selectmen's meeting and does not see anything new that needs to be discussed. Town Counsel has reviewed the draft and declared it to be in sufficient legal form for signature this evening. Mr. Rooney made a motion to move to sign and ratify the host agreement that is in the packet. 3-1 Vote. Mr. Kolenda opposed.

IV. Other Matters Properly Before the Board

1. Approve school funding resolution.

Paul Desmond, Southborough School Committee Chair, requested that the Board take a formal vote on this recommendation. Mr. Rooney moved that the Board vote consistent with the Southborough School Committee to vote unanimously to support a resolution calling on the state to fully fund and adopt the recommendations of the Foundation Budget Review Commission. Mr. Cimino seconded. All in Favor.

V. Adjournment

Meeting adjourned at 7:15 p.m.

Next BOS meeting is scheduled for Tuesday, May 17.

List of Documents referred to at the April 25, 2016 BOS Meeting

Meeting Minutes: February 2, 2016 and February 16, 2016

Draft host Agreement CommCan, Inc.,

Memorandum of Agreement for Police and Public Works Unions

Town of Southborough Policies and Procedures- Customer Service, Code of Conduct,
Workplace Violence

Letter of Resignation from Anthony Schoener

Chapter 70 Funding Resolution from Paul Desmond

Submitted by Jenn Hom, Recording Secretary

*BOARD OF SELECTMEN
MAY 6, 2016
MCAULIFFE HEARING ROOM*

Present: John Rooney, Chairman; Bonnie Phaneuf, Paul Cimino, Brian Shea, and Town Administrator Mark Purple.

The Chairman called the meeting to order at 8:17 a.m.

Hiring of New Executive Assistant:

Mr. Purple presented his recommendation to hire Lori Esposito as the new Executive Assistant for the Selectmen's Office, to fill the position recently vacated by Maureen Colleary upon her retirement. Ms. Esposito was chosen out of more than 200 applicants by a committee led by Assistant Town Administrator Vanessa Hale. The runner-up for the position was an internal candidate in the Treasurer's Office. Ms. Esposito has been working in the same position for the Town of Boylston for the last 12 years, and has had two stints as Acting Town Administrator during that time. Mr. Purple anticipated a smooth transition. There were some questions about the internal candidate, and Mr. Purple said that he and Ms. Hale have put together a mentoring plan for the employee in question, to allow her to be exposed to personnel matters beyond her current position; the effect of which will make her a more well-rounded candidate for future openings within the organization. Mr. Purple also noted that references were checked, and came back very positive.

Mr. Cimino made a motion to ratify Mr. Purple's recommendation of Ms. Esposito for the position of Executive Assistant for the Selectmen's Office, seconded by Mr. Shea, and unanimously approved by a vote of 4-0-0.

Mr. Cimino made a motion to adjourn the meeting at 8:45 a.m., seconded by Mr. Shea. Unanimously approved, 4-0-0.

Submitted by Mark J. Purple, Town Administrator.

**BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES
May 17, 2016
McAULIFFE MEETING ROOM
17 COMMON STREET, SOUTHBOROUGH**

Present: John Rooney, Paul Cimino, Dan Kolenda, Bonnie Phaneuf, Brian Shea, Mark Purple, Town Administrator, and Vanessa Hale, Assistant Town Administrator.

Mr. Rooney called the meeting to order at 9:50 PM. The purpose of the Executive Session was to discuss personnel matters for non-union employees, including a successor contract for the DPW Superintendent (Exemption 2).

[REDACTED]

[REDACTED]

Motion to adjourn the meeting at 10:09 p.m. by Mr. Cimino, seconded by Mr. Kolenda. Unanimous roll call vote, 5-0-0.

Respectfully submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.

*BOARD OF SELECTMEN
MAY 17, 2016
MCAULIFFE HEARING ROOM*

Present: John Rooney, Chairman; Bonnie Phaneuf, Paul Cimino, Daniel Kolenda, Brian Shea.

The meeting opened at 6:30 p.m.

Re-organization of the Board: Mr. Cimino made a motion to nominate Mr. Rooney in his continued role as chairman, and nominated Mr. Shea as vice-chair. Mrs. Phaneuf seconded. Mr. Kolenda indicated support for Mr. Rooney, as did Mr. Shea. Mr. Shea also stated he would accept the nomination as vice-chair, but recognized others would also do a great job. Mr. Rooney would accept the nomination as chairman. The Board voted unanimously to appoint Mr. Rooney as chairman and Mr. Shea as vice-chairman.

Town Moderator: Dr. Morreale, newly elected Town Moderator, spoke to the Board about outreach and organization as he prepared for his new role. He would like to engage the voters and residents and has asked the Board to create a joint ad hoc committee to research and propose best practices. He drafted a charge for the Southborough Town Meeting Review Committee which will report back by February 2017. Topics include: reports to town meeting, voting procedures, citizen engagement and scheduling of annual and special town meetings. Mrs. Phaneuf asked that the Town Administrator be designated as an ex officio and deadline for January. Mr. Rooney suggested an early December deadline fits better into town meeting preparation. It was noted interested residents should submit their name before June 1, 2016.

Request for Special Counsel: Chairman Rooney's firm is an abutter to the Park Place project and based upon advice he received from the State Ethics Committee, he is required to recuse himself from any and all discussions relating to this proposed development. Mrs. Phaneuf filed [on Jan. 11] a disclosure of an appearance of a conflict. Her son has worked for JBJ which Mr. DiPietri has an interest in. State Ethics said she does not have a conflict, but she feels there is an appearance of one. Mr. Shea chaired this section of the meeting. The Planning Board called their session to order. Mr. Morris chaired this meeting. They are seeking permission from the Board of Selectmen to hire special counsel for Park Central. In January, the Planning Board asked the Selectmen to approve appointment of independent counsel to review the process and address the board's concerns. Mr. Kolenda feels it is a dangerous precedent to hire another attorney because a board disagrees with the opinion of the current Town Counsel. Mr. Jenks noted he is not challenging Atty. Cipriano; he feels the questions they need clarification on would be difficult to answer noting how closely he has worked with the ZBA on this project. Questions relate to procedural history [waivers of Planning Board regulations] and future determination(s). He added the developer has agreed to rental v. owner occupied affordable units and definition of residual site plans. Primary issue remains what can the town classify as a non-developed portion of the property, to be reviewed as an integrated site development on a project of unprecedented scope and scale. Town houses were combined. They require research and procedure analysis. The feeling was that since Atty. Cipriano has advised the ZBA already, he can't really represent both committees. Funding is available through the Planning Board budget. Mr. Purple stated the salary funds can be re-purposed for non-salary items.

Attorney Cipriano spoke about his duty and responsibility to all town boards, not just individual boards. He states his opinion was in fact in defense of the Planning Board. In terms of special counsel, they are utilized to advise special counsel in an area where Counsel needs supports. He sees an adversarial relationship between Planning and ZBA. He does not support with the request for special counsel.

Angelo Catanzaro spoke for Mr. DiPietri. He spoke in detail about the aspects of the project, which was beyond the scope of how this discussion was posted on tonight's agenda and was reminded of that. Site plan approval process under town bylaw can be appealed to the ZBA. He feels it will be fully analyzed and does not support the request for special counsel.

Other audience members supported a second opinion, which they feel is needed due to the scale of the project. Some residents questioned the ZBA quorum in some meetings and appreciated the opportunity to step back and get additional assistance to make sure the town is reacting properly to this large project.

Mr. Morris, Chairman of the Planning Board reiterated it is the largest project in town history, and emphasized the need to know if ZBA procedures have been proper. Mr. Morris read a statement from the Planning Board about their concern of the actions of the ZBA supporting their request for independent counsel to provide a second opinion. Town Counsel questioned whose opinion would ultimately prevail if the multiple attorneys are in conflict, which could result in a declaratory judgement.

Mr. Bartolini, Chair of the ZBA spoke about 40B regulations. He feels the way the ZBA voted has been done in support of the town. He added, the ZBA has worked with the Town Counsel from the onset of the project.

Mr. Kolenda made a motion to not hire special counsel. Mr. Cimino admitted the scope of the project is unprecedented. Based on town counsel's service to the Town, he would tell the board if he could not advise both boards. Mr. Cimino seconded the motion, which passed 3-0. The Selectmen strongly suggested both chairs meet with town counsel to discuss their disagreements. Atty. Cipriano has told the board he has no conflict.

Health Insurance Buyback policy: Finance Director Mr. Ballantine spoke to the Board about renewing the policy which offsets the fiscal impact of premium increases, and saves \$90,000 annually. It permits the town to pay an employee a stipend if they choose to take insurance elsewhere. The Board renewed this policy unanimously.

Police Department staffing: Chief Paulhus has asked for a fifth sergeant, which would be a swing shift. He feels this would address a manpower issue that exists during the second and third shift. It would also provide more supervision of officers and dispatchers during the critical time of 7p-3a. He can fund it from the currently funded budget. There would be a reduction in the "Officer in Charge" line item which provides supervisory coverage when a current sergeant is not on duty. The Board approved this request 5-0.

Main Street update: DPW Director Karen Galligan provided a post Town Meeting update of this project. The project will not cost taxpayers any money. TIP projects must meet State safety standards. The project cannot proceed if it is not funded and approved by the TIP. It uses federal and state funds and standards, but it is a locally designed project. The presentation answered frequent questions on the

design, cost impact, bike and right of way concerns and roadway maintenance. She identified the cost [if the town did the project without TIP funding] for

- Full TIP \$6.8 million
- Project with no easements \$5.3 million
- Project with just road updates \$2.2 Million
- Project with road maintenance only \$925,000
- Cost overruns are not covered by the State

To renovate this roadway, as others roads are maintained, requires more sub-surface work and is estimated to cost \$2.2 million. Main Street Working Group Committee members spoke in favor of fighting to keep the project on the TIP to secure state funding. Mr. Phillips voiced his support for developing a historic district in the Main Street neighborhood. Mr. Boland posed the potential of creating a new group to study alternatives if TIP funding is not secured.

Currently funded at \$6.6M under the TIP. In late April, the MPO advised that options are:

1. You could try to revise project goals/design and back to town meeting
2. If the board continues to support as is, MPO needs to know that on Thursday
3. The MPO has not determined if they will hold Southborough's spot on the TIP
4. Doing the project as 3R is just maintenance and can be funded via CH 90 funds [which still requires meeting state guidelines]
5. There was additional support for an alternate committee, with more involvement from the Board of Selectmen.

No other projects ready to take our space on the TIP list, but they may use it to cover overages from other projects. The MPO is leaning toward holding our spot since they have not determined who would be behind us. They cannot hold our spot after June 30, 2016. The Board voted unanimously to advocate for TIP funding and to stay on the current project schedule. Mr. Cimino and Mr. Rooney will attempt to attend the meeting with Ms. Galligan.

Public Works Planning Board: Mr. Shea and Mrs. Phaneuf worked with the board to clarify the role of the PWPB. Ms. Aselbekian asked to revise the first bullet to make typographical and duplicative corrections including: changing "annual operating and capital budget" to "annual operating budget and capital plan" and to remove the words "Annual Town Meeting." Mr. Shea noted the 1991 home rule act requires the public works board to advise the Selectmen on planning and management of "said town" and does not stipulate the DPW. Mr. Shea made the comment that this clarified charge confirms the PWPB doesn't have any role in the day-to-day operation of the Department. They see their mission as advising the Board of Selectmen on any initiatives that the Board is required to vote upon. The Board unanimously voted this revised charge as amended. Mr. Purple would prefer the PWPB review the budget with the Director before it is submitted for final review.

Consent Agenda: The Board approved the items on the consent agenda as listed.

1. Approve meeting minutes: April 25, 2016.
2. Appoint Nancy G. Morris, to Community Preservation Committee as Southborough Housing Authority representative, term to expire June 30, 2017.

3. Accept resignation of Steven H. Hinterneder from Southborough Stewardship Committee as Breakneck Hill Cow Fund Representative.
4. Accept resignation of Meme Luttrell from Open Space Preservation Commission.
5. Vote to dissolve the following committees and/or positions:
 - Southborough Employee Screening Committee
 - Sidewalk Construction Recommendation Committee
 - Breakneck Hill Cow Fund Rep on Southborough Stewardship Committee
6. FY17 Staff Appointments

By unanimous and roll call vote, the meeting adjourned to Executive Session at 8:30 p.m.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

Board of Selectmen
June 7, 2016, 7pm
McAuliffe Hearing Room

Present: John Rooney, Chairman; Bonnie Phaneuf; Dan Kolenda; Paul Cimino, and Town Administrator, Mark Purple. Brian Shea arrived at the meeting at 7:27 p.m.

Chairman called the meeting to order at 7 p.m.

I. Scheduled Appointment

1. Town Clerk Jim Hegarty, RE: Increasing Voter participation at elections.

Mr. Hegarty proposed ways to increase voter participation by changing town elections from Monday to Tuesday, as well as changing the opening of the polls at 6:30 a.m., providing more exposure and ability to publicize elections. The increased time requires additional labor costs which would be approximately \$1,250 annually. Mr. Hegarty asked the Board for approval; to be reassessed after 4 years to review its effectiveness. The Board is supportive of the proposal. Mr. Kolenda made a motion to move to support the change. Mrs. Phaneuf seconded. All in Favor 4-0

2. Review and Approval of Transfer Station Rules & Regulations for FY2017.

Ms. Galligan went over the 2017 Rules and Regulations and said that the bylaw cannot be changed until approved by the AG office. Ms. Aselbekian, Public Works Planning Board Chair, submitted a memo with recommendation to keep the assessment fee as it is at \$200/per sticker per house for 2 vehicles before and after 9/15; no cost to senior citizens. They would continue to endorse their recommendation to conduct a take back program to charge a higher fee for larger items. The Board is not ready to discuss the language that would go into rules and regulations. It was noted the Town Clerk's office will be selling the stickers this year. No paperwork is required to purchase a sticker as long as you are in the town census. Mr. Rooney noted the memo from Mr. Stivers about asking the Board to consider relocation of the sticker on the vehicle and a different type of sticker that would be placed inside the car. Ms. Galligan specified that this would prevent the ability to write the license plate number on the sticker. [Stickers are already purchased for this year]. Mr. Kolenda made a motion to approve the fee structure as stated \$200 before 9/15/16, \$250 after 9/15/16, \$20 for new residents on a monthly basis, \$0 for senior citizens, and \$75 for recycle only items. The Board voted 3-1 to adopt this fee structure; Mr. Rooney opposed.

Mr. Shea joined the meeting at 7:27pm

3. Presentation of Flagg & Deerfoot Road Safety Study.

Mr. Rooney recused himself from any and all discussion related to this project. Mr. Jason DeGray of Toole Design Group provided a presentation of the existing traffic conditions, data and recommendations as a result of the prospective Park Central Development. It was then opened to comments from public officials where they stated that Mr. DeGray's report should give due consideration and requires more discussion and public process. Town residents voiced their comments and concerns which outlined the existing safety concerns without taking in consideration of the additional traffic from the Park Central Project. Residents also

voiced concerns with the costly taxpayer expense and the possible adaptation of homeowner property lines. Mrs. Phaneuf asked for a public discussion to take place with MASS DOT, DPW and Police Chief on the Safety Road Study.

II. Public Comment

Ms. Aselbekian read into the record a memo stating she will not seek reappointment to the Public Works Planning Board.

III. Reports

Town Administrative Report: None

IV. Consent Agenda

1. Approve Open Session Meeting Minutes: May 6, 2016, May 17, 2016.
2. Accept Ambulance donations in the amount of \$745.00.
3. Accept Fay School donation of \$10,000 towards the Aerial Fire Truck.
4. Accept New England Center for Children PILOT payment of \$52,036.00.
5. Approve St. Mark's School annual donation of \$45,000.
6. Approve revised charge for Ad Hoc Town Meeting Review Committee.
7. Approve new contract for DPW Superintendent.
8. Approve Bottom –line Budget spending for DPW FY16 budget.
9. Approve meeting schedule for remainder of calendar 2016.
10. FY 17 Board and Committee Appointments.
11. Approve Executive Session minutes: May 17, 2016
12. Approve One-day Liquor License- Rotary Club June 19, 2016 event.

- Mr. Rooney recommended holding minutes from May 17, 2016 open and executive minutes
- Mr. Cimino moved to approve Item 1: May 6, 2016 minutes. Board Voted 4-0-1. Mr. Kolenda abstained.
- Mr. Shea moved to approved items 2 to 5, 6, 7, 8, 9 and 12. All in Favor 5-0
- The Board agreed to table Item 10 for next meeting.

V. Other Matters Properly Before the Board

1. Appointment of members to Ad Hoc Town Meeting Review Committee.
The Committee is comprised of five members, three appointed by the Town Moderator and two from the Board. Six candidates have applied and the Board have agreed to increase it to six. Mr. Shea moved to amend the charge from five to a six member committee. All in Favor 5-0
2. Appointment of Temporary Employee to Facilities Department.
Mr. Parent provided detail on the hiring process for this temporary employee; and that due diligence was done to hire the person based on his ability to do the job. Mr. Kolenda moved to appoint the temporary employee as requested. Mr. Rooney noted the employee Joseph Galligan is the son of the DPW Superintendent Karen Galligan. All in Favor 5-0

3. Request from DPW Superintendent to expend Chapter 90 Funds on Main Street project.
Ms. Galligan requested approval for additional spending related to the Main Street Project.
Mr. Rooney would like to put this item on the next June meeting to get further clarification and definition on where the discussion is at with the Public Safety Facility.

VI. Adjournment

Meeting adjourned at 10:10pm

Upcoming Meeting: June 21, 2016.

Submitted by Jenn Hom, Recording Secretary



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, June 28, 2016

Location: McAuliffe Hearing Room, Southborough Town House

Present: Vice Chairman, Brian Shea; Daniel Kolenda; Bonnie Phaneuf; Paul Cimino; Town Administrator, Mark Purple

Absent: John Rooney

I. Vice Chairman, Mr. Shea called meeting to order at 6:30pm

II. Scheduled appointments

1. Update on Park Central 40B project.

Mr. Cimino provided an update from his meeting with the Department of State Transportation regarding the challenges currently being experienced with Route 9 traffic, access and egress from Flagg Road. He shared information from the State's perspective what is doable, what is not, long term, and short term. There is no possibility in the foreseeable future that there will be a signal on Flagg Road due to significant grade change on Route 9. The State has specific criteria that will be provided in a report and will be made to the public. In terms of short term, the Town has control on the local level with some signage that could be explored. Long term perspective from the State is the possibility of directing traffic from the entire neighborhood to a reconfigured signal at Crystal Pond Road. Rep. Caroline Dykema also attended the meeting and was present to offer additional comments and address concerns. She stated that Mass DOT is very aware of the concerns in the area and that there will be continued conversation on what needs to be done. This study is a project on a long range plan which is significant and with coordinated efforts can create opportunity to advance this project in the queue. Her hope was to find a technically feasible short term solution but there seems to be very limited options. The longer term technically feasible project is virtually impossible to be implemented in the time frame of the 40B project. Mr. Cimino would like permission from the Board to continue to work with Ms. Dykema to engage in more meetings with the 40B project applicant and residents and present more information before the Board on the next meeting for evaluation.

2. Dave McCay, Chairman, Economic Development committee (EDC)

1. Request to expand membership of EDC
2. Request to reactive Industrial Development Commission (IDC)
3. Request to appoint current EDC members to IDC.
4. Request to dissolve Ad-Hoc EDC.

This is a follow up discussion with the Board to decide whether the EDC committee should be reinstituted to IDC. The town had adopted the IDC Committee many years ago. This committee was originally formed as an Ad-Hoc EDC committee but since has advanced with a permanent employee and 8 committee members. It was with unanimous committee support to fully dissolve the EDC Ad-Hoc committee and reactivate a permanent IDC committee. There are currently 2 vacancies with 5 applicants. The committee met with all five applicants and made recommendations to fill the 2 vacancies with Jamie Falconi and Sujal Bhalakia. The committee would like to request that the committee be expanded by one seat to make room for Ms. Kathy Bartolini given her extensive background in the public sector. The committee also request that Ms. Lori Karlsson be added as an ex-officio member. Mr. Kolenda move to expand the membership committee as provided with the names Mr. McCay put forth by filling in the

vacancies with Mr. Falconi, Mr. Bhalakia and expanding one seat for Ms. Bartolini and adding ex-officio member, Ms. Karlsson. Mr. Cimino seconded, all in favor 4-0.

3. Brian Ballantine, RE: FY16 financial update and required approvals for intra-department transfers.

Mr. Ballantine provided a brief update on the FY16 closeout. A request has been forwarded to the Advisory Board for approval of approximately \$77,000 from the intra-department transfers to clean up the year end.

III. Public Comment

Mr. Sam Stivers, 12 Presidential Drive, would like to comment on Consent Agenda, Item 12. He urged the Board to stop spending money on this project as there was a decisive town meeting vote to not support this article. Mr. Howard Rose, 2 Bantry Road, also shared the same opinion as Mr. Stivers.

Ms. Lisa Braccio, Ms. Deborah Costine, Ms. Joyce Greenleaf, Ms. Meme Luttrell, Ms. Christa Brady and Ms. Karen Muggeridge, shared their comments and unanimous support for the reappointment of Frederica Gillespie to the Open Space Preservation Commission.

IV. Reports

Mr. Purple would like to acknowledge Mr. John Parent, Facilities Director on his certificate of completion for the Building Operator Training Course. Ms. Hale attended a meeting hosted by Congresswomen, Katherine Clark. One of the issues discussed was on gun control where a letter was brought back and put forth to the Board for signature to submit to the Speaker of the House in an attempt to open discussion on gun control. The Board does not support in the letter writing campaign on behalf of the politician.

V. Consent Agenda

1. Approve Open Session Meeting minutes: May 17, 2016, June 7, 2016
2. Appoint Stephen Neivert as Full Time Police Officer, effective July 7, 2016.
3. Request to appoint part time Administrative Assistant in the Building/ZBA Department.
4. Appoint David Hagen as Reserve Police Officer, effective July 1, 2016.
5. Accept resignation of William Recos as Reserve Office for Police Department.
6. Accept resignation of Michael Ossatin as Communication Officer.
7. Accept resignation of Ashley Tanis as Benefit & Payroll Coordinator.
8. Approve contract award for Municipal Aggregation consultant.
9. Approve contract award for FY17 Fuel Oil bid.
10. FY17 Board and Committee Appointments.
11. Approve voluntary water ban.
12. Authorize DPW Superintendent to expend up to \$25,000 for Main Street Reconstruction Project.
13. Approve Executive Session meeting minutes: May 17, 2016.

Mr. Shea request to not take action on item 3 and also suggested to discuss items 10 and 12 separately.

Mr. Kolenda moved to approve consent agenda items: 1, 2, 4, 5, 6, 7, 8, 9, 11, and 13. Mr. Cimino seconded. All in Favor 4-0

Mr. Purple stated that Mr. Healey recently responded that he would like to be reappointed to the Main Street Design Working Group Committee. The position posted in the Stewardship Committee will not be advertised. Mr. Shea move to amend to not appoint Green Technology and Recycling Committee and to appoint Mr. Walker as an alternate member to the ZBA committee. All those in favor of the committee reappointments as amended. 4-0

Ms. Galligan stated that even if the Main Street Project does not move forward, the work still needs to be done for all future capital projects. Mr. Kolenda vote to approve Item 12, Mr. Cimino seconded. All in favor 4-0

VI. Other Matters Properly Before the Board

1. Memo from Planning Board: opportunity for Board comments prior to July 18th Planning Board Hearing for Medical Marijuana Dispensary Hearing.
Planning Board would like to give the Board the opportunity to submit any comments by July 11 before the scheduled Public Hearing on July 18.

The Board adjourned their open session at 8:57pm and unanimous roll call vote to enter into Executive Session.

VII. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session – issue to be discussed is (1) to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position.

Submitted by Jenn Hom, Recording Secretary

**BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES
June 28, 2016
McAULIFFE MEETING ROOM
17 COMMON STREET, SOUTHBOROUGH**

Present: Paul Cimino, Dan Kolenda, Bonnie Phaneuf, Brian Shea, and Mark Purple, Town Administrator.

Mr. Shea called the meeting to order at 9:02 PM. The purpose of the Executive Session was to consider the purchase of real property (Exemption 6), specifically the negotiations with St. Mark's for the purchase of the golf course property.

Public Safety Facility/St. Mark's

Mr. Purple apprised the Board of the counter proposal from St. Mark's regarding the purchase of the golf course property. The offer contained many "non-starters", including a \$500,000 fee to the appraisal firm hired by St. Mark's, assigning responsibility to the Town for demolition of the existing public safety buildings, and a use restriction on the golf course property once the Town acquired it. The Board agreed that the proposal was not worth pursuing, and appeared to be a step in the wrong direction toward finding common ground in the negotiations. Mr. Shea was authorized by the Board to prepare a short response back to St. Mark's that their offer was not being considered further, and that it may be time for the Town to review other options regarding the public safety facility. The Board also instructed Mr. Purple to work with the Town's consultant to finalize the Space Needs Study for the project.

Motion to adjourn the meeting at 9:20 p.m. by Mr. Cimino, seconded by Mr. Kolenda. Unanimous roll call vote, 4-0-0.

Respectfully submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday July 15, 2016

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman Joh Rooney, Vice Chairman, Brian Shea; Daniel Kolenda; Paul Cimino;
Assistant Town Administrator, Vanessa Hale

Absent: Bonnie Phaneuf

I. Mr. Rooney called meeting to order at 8:00 a.m.

The Board voted unanimously to:

- Appoint Thomas P. Laflamme as Information Technology Manager.
- Appoint Mark Purple as Ex-officio member of the Town Meeting Review Committee.
- Approve \$1,000 stipend for Sue Wood in the Facilities Department while she assists the Treasurer's Office in the absence of a Payroll and Benefits Coordinator.
- Reappoint the following positions for FY17:
 1. Philip Collins, Special Legal Counsel
 2. Gregory Manousos, Sexual Harassment Officer
 3. Lisa Mead, Special Legal Counsel
 4. Robert Lagasse, Field Driver
 5. Paul Smith, Fence Viewer

II. The Board also was asked to update the policy for take-home vehicles. The revised version now includes language to prohibit texting while driving. The list of positions now permitted a take home vehicle has been revised to list the Building Commissioner, who is also on call 24 hours a day.

III. Other Matters Properly Before the Board

1. The Board was informed that Russ Gregory from the Conservation Commission was not able to be sworn in within 15 days of his appointment. Knowing that Park Central will be on the Commission's agenda before the next regular Selectmen's meeting, the Board voted 4-0 to re-appoint Mr. Gregory this morning to avoid potential quorum issues.
2. Mr. Shea asked that all comments to MEPA regarding Park Central be collected by the Selectmen's Office and transmitted to the State together with comments from town officials. This advisory will be posted online.

The meeting adjourned at 8:20 a.m.

Submitted by Vanessa Hale, Assistant Town Administrator

**BOARD OF SELECTMEN
AUGUST 2, 2016
MEETING MINUTES**

Present: John Rooney, Brian Shea, Bonnie Phaneuf, Paul Cimino. Mr. Kolenda was approved to participate remotely.

Also present: Lee Bartolini

The Board entered Executive Session by roll call vote to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position and, (2) To discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual (Exemption 1).

Zoning Board of Appeals

Mr. Rooney expressed the opinion to Mr. Bartolini of the Board that the recent work and discussions of the ZBA has been focused on the Chair, Mr. Bartolini, and not on the important issues before the ZBA. There have been questions about process, conduct of the meetings, and related matters. Such a focus is not good for the town, not good for the issues confronting the ZBA, nor conducive to professional proceedings before the ZBA. Mr. Rooney expressed the sentiment of the Board that there needed to be an immediate change in ZBA leadership in the best interests of the town. Mr. Rooney asked the Board if they believed there was value in having Mr. Bartolini continue on as a member of the ZBA given his long tenure and historical perspective.

Mr. Cimino said the petition is a vehicle for citizens to express a position and carries the same weight as a group of people speaking at one of our meetings. Mr. Kolenda felt Mr. Bartolini should continue to serve the town in some capacity.

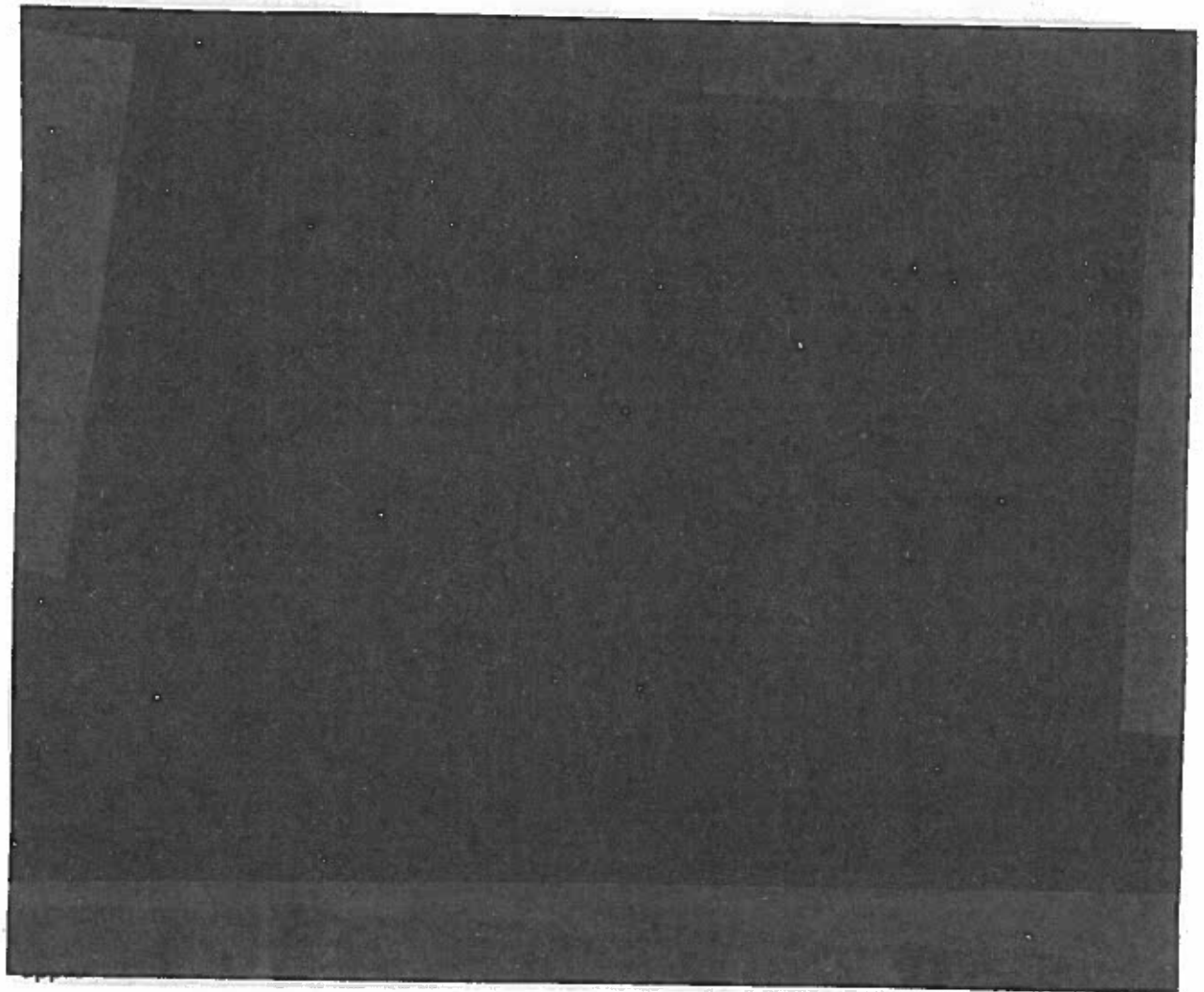
Mr. Bartolini stated that the ZBA voted him in as Chairman again last month. Mr. Bartolini noted that the signatories on the petition were also opposed to the marijuana dispensary, so they are opposed to the ZBA on many levels. He also indicated the supplemental signatures came from the Chinese Gospel Church and were collected at a recent service there.

Mr. Bartolini suggested and proposed a reorganization of the ZBA that would elect a new Chairman, as well as a new Chair for the Park Central Project that would be in effect for their next hearing on the matter.

At the ZBA's August 15th meeting, Mr. Bartolini said he would step down as ZBA Chairman and ask the ZBA Members to elect a new Chairman. The Board felt Mr. Bartolini could easily coach someone else to be chairman and remain on the board as a regular [full] member.

The Board concurred unanimously.

Public Safety



The meeting adjourned at 7:00 p.m. and returned to open session.

Submitted by Vanessa Hale, Assistant Town Administrator.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, August 2, 2016, 6pm
Location: McAuliffe Hearing Room, Southborough Town House
Present: Chairman John Rooney, Brian Shea; Bonnie Phaneuf; Paul Cimino; Town Administrator, Mark Purple
Absent: Daniel Kolenda is absent and was approved to participate remotely

The meeting convened at 6:00pm.

Executive Session

At 6:00pm, the Board voted by roll call vote to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and will return to Open Session – issue to be discussed (1) to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position and, (2) to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual (Exemption 1). Roll call vote recorded as follows: Mr. Rooney – aye; Mr. Shea – aye; Ms. Phaneuf – aye; Mr. Cimino – aye; Mr. Kolenda – aye.

Open Session

Called Meeting to order at 7:07 pm

Scheduled Appointments

1. Interview candidates for Zoning Board of Appeals, Full Member position
 - Carl Damelio
 - Craig W. Nicholson
 - Jeffrey Walker (current Alternate)
 - David Williams (current Alternate)

There are three individuals present for the interview. Mr. Walker withdrew his application earlier today. The Board of Selectmen interviewed each candidate to learn more of their background, interest, and qualifications for the position. Mrs. Phaneuf and Mr. Rooney shared concerns that Mr. Nicholson's position on SHOPC, Housing Trust and the Recreation Commission will be a conflict since all three committees make recommendations to ZBA for consideration. He would have to resign from all three committees in order for Selectmen to vote him in for the full member position. Mr. Nicholson indicated he is committed to step down from the other three committees. Mr. Kolenda made a motion to elect Mr. Nicholson as full time member to the ZBA. Mr. Shea seconded. All in Favor 5-0.

2. Discussion and scheduling of Special Town Meeting

There were prior discussions of a special town meeting to be held in the fall to discuss the Main Street reconstruction project and the Public Safety Facility. The Public Safety Facility discussion will not be ready for the special town meeting but will be addressed in the annual town meeting in April. Mr. Rooney would like to set a date of Oct 4. Mr. Shea moved to open the warrant for citizen's petition(s) and set a date of Oct, 4 at 7 p.m. for the special town meeting. Mr. Cimino seconded. All in Favor 5-0

Reports

Mr. Rooney and Mr. Purple would like to publicly acknowledge and thank the efforts of Chief Mauro, Chief Paulhus, the Police & Fire departments, CERT Team, DPW, including Superintendent Karen Galligan and National Grid for their expediency in restoring power and repairing damages from the July 22 storm.

Mr. Rooney would also like to acknowledge the receipt of a citizen's petition relative to a member of the ZBA. Mr. Bartolini has suggested and proposed that there will be a reorganization of the ZBA to elect a new Chairman and a new Vice Chair for the Park Central Project that will be in effect in their next meeting. At the following meeting, there will be an entire reorganization of the ZBA with a new Chair and Vice Chair. The Board has agreed and voted on the change in the executive session.

- Chairman's Report

1. Update on Park Central/ Flagg Road

Mr. Shea reported that MEPA has extended their deadline to receive comments on the project until Friday, August 5th.

2. Update on Public Safety Facility

Mr. Shea and Mr. Rooney have been in meetings with St. Marks to discuss potential purchase or transfer of a portion of land. Negotiations are ongoing and will be subject to a vote at town meeting. Mr. Rooney hopes to have more substantive information to put forth within the next month.

- Town Administrator Report

Mr. Purple provided an update on the Green Community Status. Four of the five requirements are completed. The energy base line reduction plan is being compiled between Facilities Manager Mr. Parent with the utility companies. The Town is well prepared for the next submittal in October, after which the Town will be eligible to apply for grant money for energy reduction items.

1. Update on hiring processes:

Interviews will be conducted next week for the 15-hour Y&F Coordinator position.

Mr. Tom LaFlamme will begin work on August 15 as the new IT manager.

Interviews are being conducted for the Facilities Maintenance Technician. The Payroll and Benefits clerk position is confirmed and will be included in the next meeting for appointment.

2. Update on RMD {Marijuana Dispensary}:

Special Permit was given for 255 Turnpike Road where the plan is now before the Planning Board for site plan review. Chief Paulhus also provided an update on the safety criteria of this project.

3. Update on Main Street Project:

Ms. Galligan will provide an update at the next scheduled meeting and provided a couple of bullet points for Mr. Purple to share with the Board: the comment period for the TIP plan that contains funds for the main street project has ended; there were several requests from town residents that this project be kept funded on the TIP; a portion of the Main Street Working Group is working to determine the parameters for a Non-TIP funded project for residents to understand what that will undertake; a report to compare the two plans will be presented for residents to decide if they want to forgo the state money.

V. Consent Agenda

1. Approve Open Session meeting minutes: June 28, 2016, July 15, 2016
2. Approve Policy on Fuel Efficient Vehicles.
3. Appoint Payroll and Benefits Clerk.
4. Appoint Doreen Noble as Part Time Administrative Assistant in Building/ZBA
5. Appoint Steven Neivert as full time police officer.
6. Approve Executive Session minutes of June 28, 2016.

Mr. Rooney requested items 3, and 6 to be tabled. Mrs. Phaneuf requested that Item 1 be tabled. Mr. Shea moved to approve consent agenda items 2, 4, and 5. Mr. Cimino seconded. All in Favor. 5-0

VI. Public Comment

Mr. Sam Stivers, 7 Presidential Drive, requested that all meetings from the Main Street Committees and subcommittees be posted and made public.

Mr. Howard Rose, 2 Bantry Road, raised his objections again for having a Main Street Project article on the Town Meeting Warrant. He also requested that Mr. Purple to make sure all letters are included in the supplemental packet going to MEPA.

Mr. Jim Hegarty, Town Clerk, reported that a law has passed to create early voting. There will be both absentee ballot and a period of early voting starting on October 24. Residents will be able to vote on the spot at the Town Clerks Office. More information will be made available once the State clarifies the rules.

John Green, 10 Tara Road, requested more clarification and information on the shifting of ZBA positions. He also requested that some time to be set for discussion around the project and safety of Flagg Road.

Karen Shimkus, 2 Lynbrook Road, expressed her dissatisfaction with the lack of transparency and process in terms of the vote that took place for ZBA full member position. She further elaborated on the lack of communication amongst the committees. She also requested a letter be read into the record on the Park Central Project.

VII. Other Matters Properly Before the Board

Upcoming Meetings: August 16, August 23 and September 6.

VIII. Adjournment

Meeting adjourned at 8:36pm

Submitted by Jenn Hom, Recording Secretary

**BOARD OF SELECTMEN
EXECUTIVE SESSION
AUGUST 23, 2016
MCAULIFFE MEETING ROOM
17 COMMON STREET, SOUTHBOROUGH**

Present: John Rooney, Brian Shea, Bonnie Phaneuf, Paul Cimino and Dan Kolenda.

Also present: Town Administrator Mark Purple, Planning Board Chairman Don Morris, Historical Commission Chairman Joe Hubley, CPC Chairperson Freddie Gillespie, Advisory Committee Chairperson Janet Maney, and Public Safety Study Committee members Al Hamilton (Chairman), Fire Chief Joe Mauro, Police Chief Ken Paulhus, John Wood, John Lyons, Peter Goodney, and Jason Malinowski.

The Board entered Executive Session by roll call vote at 6:00 p.m. to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position.

Public Safety

Mr. Rooney update the room on the latest meeting with St. Mark's School, and the most current counter-offer made by the Town on 8/23. Mr. Hamilton asked about a timeline on the process. Mr. Rooney stated that he hoped a public statement could be made at the upcoming Special Town Meeting, with a vote on the project and land transfer at the April 2017 town meeting. Mr. Wood asked if the committee could move forward with the design of the project, and Mr. Rooney said that the committee needs to determine if it wants to move forward with the current consultant. Ms. Gillespie asked if the Board was going to be seeking CPC funding and, after an affirmative response by Mr. Rooney, provided information on the process for doing so. Mr. Hubley felt that the Latisquama Road residents would want continued access to the sledding hill. Mr. Hubley will also check if the existing Police Station falls under the demolition delay bylaw. Mr. Morris recalled that there were lessons to be learned from the last time that St. Mark's wanted to sell the golf course. Ms. Gillespie thought that the purchase price of \$3.5M on the table was a good price. Mr. Goodney asked if there was bond capacity for the land purchase and new construction of a public safety facility, and he was assured there was, further reinforced by the work done last year by the Advisory Committee.

Mr. Rooney said that he will reconvene another Executive Session once St. Mark's responds to the Town's latest offer. He also said it was the Board's intention to engage the Latisquama residents prior to any details becoming public.

The meeting adjourned at 6:30 p.m. by unanimous roll call vote, and returned to open session.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, August 23, 2016, 6pm
Location: McAuliffe Hearing Room, Southborough Town House
Present: Chairman John Rooney; Brian Shea; Bonnie Phaneuf; Paul Cimino; Dan Kolenda; Town Administrator, Mark Purple

Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and will return to Open Session issue to be discussed: (1) to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position.

Open Session

Called Meeting to order at 6:36pm

Scheduled Appointments

1. Discussion of reorganization of the Board
Mr. Rooney is requesting to step down as Chair due to his recent assignment as lead trial counsel which will require him to travel more. He asked the Board to consider removing him as Chair and appointing Mr. Shea as Chair and Mrs. Phaneuf as Vice-Chair.
Mr. Kolenda seconded. All in favor. 5-0
2. All Alcohol Retail License Hearing – Vin Bin
Mr. Richard Lombardi, manager of Vin Bin, is present to apply for an all alcohol license. This is a supplemental license that was approved earlier by town meeting for an all alcohol package store license that can be granted to Vin Bin at that location. Mrs. Phaneuf made a motion to approve a new all alcohol package store license to Belladora Corp. d/b/a the Vin Bin. Mr. Kolenda seconded. All in favor. 5-0
3. Approval and signing of Preservation Restriction for 84 Main Street – Aldo Cipriano, Town Counsel
Atty. Cipriano is requesting a vote from the Board to approve the authorization to sign the final revised draft of the preservation restriction and pro forma for the purchase and sale agreement of 84 Main Street [Garfield/Burnett House]. Mr. Cimino moved that the Board vote to approve the execution of both documents as described by Town Counsel. Mr. Kolenda seconded. All in favor. 5-0
4. Approval and Signing of bond issuance documents- Brian Ballantine, Finance Director
This is a continuation of the 84 Main Street process. Mr. Ballantine is requesting a vote and signature to accept the bond as presented. Mrs. Phaneuf made a motion that the Board sign the bond notes as outlined by Mr. Ballantine. Mr. Cimino seconded. All in favor. 5-0
5. Appointment of Brendan Campbell as Full Time Police Officer-Chief Kenneth Paulhus
Chief Paulhus is requesting the Board appoint Mr. Brendan Campbell as a full time Police Officer. Mr. Campbell comes with outstanding community policing and communication skills. Mr. Cimino moved that the Board approve the appointment of Mr. Brendan Campbell as full time Police Officer. Mr. Kolenda seconded. All in favor. 5-0
6. Presentation on Recreation Facilities – Pare Corporation
Arthur Eddy, Birchwood Design Group work in collaboration with Jim Asprinio of Pare Corporation and Robert Shaw, Birchwood Design Group provided an overview presentation

of the town facilities study. They first met with Recreation Committee to go over usage, set the goals and vision of the project. They also performed extensive data collection and analysis on all the fields, looked at future use options and created estimates for improvements which was then combined into a master plan with final recommendations. The full report will be posted and available to view on the Recreation website.

7. Presentation on Water System Report, RE: Park Central Development-Pare Corporation
Mr. Tim Thies, Pare Corporation and Ms. Galligan, DPW Director, provided a tank study report on the Tara Road neighborhood. This study has taken place over several years now and there is a site identified in the report that would be suitable for a tank to increase usable storage in the high service area by possibly putting a new tank or a higher tank in this new development. Their objective for this evening is to introduce ideas, discuss water storage options and how to take advantage of this opportunity with the Park Central site. Ms. Galligan is asking the Board to allow the Public Works Planning Board to review this study and make recommendations at a future town meeting. Mr. Kolenda made a recommendation that Ms. Galligan continue to vet this project through the Public Works Planning Board and conduct open meetings. Mr. Shea seconded. All in favor 5-0.

Reports

- Chairman's Report

1. Discussion of the Residence at Park Central decision process
Chairman Shea deferred to former Chairman Rooney for discussion. On August 11, this Board received a document that was titled "Second Draft Findings and Decisions of Comprehensive Permit for the Residents of Park Central." Mr. Rooney read the draft and noticed that various Boards and Committees have not yet made comments. He contacted Town Counsel to appropriately advise all the Boards and Committees to review the draft and provide comment, particularly Planning and Conservation. The ZBA said they would take all comments into account before any decision is made. Flagg Road safety is connected with this project; the O'Toole Report dated May 9th talks about the current danger on Flagg Road as it exists now. In terms of the decision process, the Board needs to decide on the safety of Flagg Road as it exists today before any decision can be made on the Park Central Development. Mr. Rooney asked Town Counsel to be present to provide guidance on the process, with the relevant issue being this Board's responsibility to address the safety of the road and appropriate timing to act on the O'Toole report.
2. Discussion of future public forum for Flagg Road
Mr. Rooney has asked Town Counsel to address the issue from a timing perspective. The Selectmen asked Mr. Cipriano if the Board has the authority to take action if needed if a ZBA vote is to take place tomorrow. Mr. Cipriano stated that if conflict is regarding public safety there is no constraint on the Board to act as determined relative to this project. Mrs. Phaneuf made a motion that this Board take a position that no left turn onto Flagg Road subject to Police and Fire Department's public safety review. Mr. Cimino seconded it for discussion. Mr. Rooney and Mr. Kolenda would like to hear more from the residents and Police and Fire. Mrs. Phaneuf's motion failed 1-4. The Board made a commitment to continue this discussion and solicit input, and ideas on the public safety on Flagg Road. Mr. Shea would like to wrap up this discussion and work on a date for an open forum. The Board will send available dates to Ms. Hale and set a date for an open forum and post the date to the public. Mr. Rooney suggested the Police Chief, Fire Chief and MassDot should participate in the meeting.

- Town Administrator Report

1. Ashland request for Emergency Water

The Town of Ashland is currently in a Stage 2 water ban. Ashland has received approval from DEP for emergency declaration. Mr. Purple is seeking authorization from the Board to activate the Municipal Aid Agreement for Town of Ashland. Mr. Cimino moved that the Board vote to approve the request from the Town of Ashland pursuant to the Mutual Aid Agreement already in place. Mr. Kolenda seconded. All in favor 5-0

Consent Agenda

1. Approve Open Session meeting minutes: 12/15/15, 2/29/16, 3/11/16, 3/15/16, 4/5/16, 8/2/16
2. Appoint Kristen Pasacane as Payroll/Benefits Coordinator.
3. Appoint James Watkins as Maintenance Technician for Facilities Department.
4. Accept resignation of Craig Nicholson from: Recreation Commission, SHOPC and Affordable Housing Trust Fund.
5. Accept resignation of Jonathan Kersting as Public Safety Communication Officer, and Special Officer.
6. Accept resignation of Tracy Baldelli from Cultural Arts Council.
7. Accept donation of \$325.00 to Ambulance Donation Account.
8. Appoint Angelica Resendes as Full-time Public Safety Communication Officer.
9. Approve FY17 Board Committee Appointments/Reappointments.
10. Closing of warrant for October 4, 1016 Special Town Meeting.
11. Sign Warrant for September 8, 2016 State Primary.
12. Approve Executive Session meeting minutes: 6/28/16, 8/2/16.

Mr. Kolenda moved to approve items 1 to 8, Mr. Cimino seconded. All in favor 5-0

Mr. Rooney would like to discuss item 10. Mrs. Phaneuf requested item 12 be held.

Mr. Purple went through the list of Board of Committee Appointments and consideration of reappointments. Mr. Shea made a motion to dissolve the Green Technology and Recycling Committee. Mr. Kolenda seconded. All in favor 5-0. Mr. Shea made a motion to remove Mr. Purple from the Municipal Technology Committee and replace with Mr. Laflamme. Mr. Ballantine and Mr. Laflamme will be ex officio, non-voting members of the Municipal Technology Committee. The Board motioned to appoint Mr. Fallon and Mr. Bussey and re-appoint Ms. Mauro to a five voting member committee. All in favor. 5-0

Mr. Shea moved to appoint the remaining committee members highlighted in yellow with the exception of those already voted. All in favor 5-0.

Item 10: closing of warrant for special town meeting. There are 11 articles submitted for consideration. Mr. Rooney commented that the purpose of the special town meeting was to focus on the Main Street Project and asked to table the other articles for the Annual Town Meeting. He also proposed to move the date from October 4 to October 18 so that Ms. Galligan can attend. Mr. Cimino moved to add an article to accept real estate from Park Central Development. This motion failed. Mr. Shea made a motion to remove Articles 4, 5, and 6 and change the date of special town meeting to October 18 and vote to close the special town Meeting warrant. Mr. Cimino seconded. All in favor 5-0.

Item 11 approved with the changes per Mr. Hegarty. All in favor 5-0.

Other Matters Properly before the Board

Mr. Hegarty will be hosting a regional training on November 10 for local communities on the new public records law at Cordaville Hall. He is asking the Board to not allow committees to hold meetings that day.

Public Comment

Majid Yazdani, 16A Bantry Road, criticized the ZBA for not meeting the expectations of the residents. He appealed to the Board to intervene in the ZBA's latest vote and address the concerns facing this project [Park Central] and look out for the best interest of the residents.

Jon Greene, 10 Tara Road, reminded the Board that they are elected town officials and every member is responsible to make sure the residents of the town are protected.

Karen Shimkus, 2 Lynbrook Road, said the Board promised a meeting with MassDot and the public which ended up being a meeting with the developer. She would like to know if this meeting will still take place.

Janet Sussman, 1 Flagg Road. She commented that the initial information was not clear and concise and recommended the Board have a committee to collect the data to get the information out to the people.

Upcoming meetings: September 6, 2016 & September 20, 2016

Meeting adjourned at 10:12pm

Submitted by Jenn Hom, Recording Secretary



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 6, 2016

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman, Brian Shea; Vice Chairman; Bonnie Phaneuf; Daniel Kolenda; John Rooney; Paul Cimino; Town Administrator, Mark Purple

Absent:

I. Called Meeting to Order at 6:30 pm

II. Public Comment

Mr. Don Morris, Chair of Planning Board reported that last week, ZBA granted and signed the Park Central 40B comprehensive permit which includes a major 40A component. This action triggered a 20-day appeal period which will end 9/15. The Planning Board met and discussed options and felt it needed guidance by independent counseling if any action could or should be appealed. Mr. Cipriano was not able to provide guidance and suggested that he contact Mr. Purple. Mr. Purple expressed concerns about one Board appealing another Board and recommended that he come before the Board of Selectmen to seek advisement. BOS would like to have follow up discussions with Town Counsel whether or not he is able to provide guidance on the 40A questions that the Planning Board has before granting permission for Planning Board to seek independent counseling.

Mr. Sam Stivers, 7 Presidential Drive. He requested to add Jack and Louise Barron as co-sponsors to the Use Variance Article 6.

Mr. Howard Rose, 2 Bantry Road in follow up with Mr. Morris's request, suggested to the Board to consider a co-counsel to assist Planning Board with the appeal process.

Ms. Karen Shimkus, 2 Lynbrook Road, addressed her concerns on the Policy on Public Comments draft document.

III. Scheduled Appointments

Mr. Shea noted that four petition articles were submitted for Special Town Meeting warrant. Article 8 will be discussed at an upcoming meeting, after the Flagg Road Forum scheduled for 9/12.

Citizen proponents will provide a brief discussion on each of the articles.

1. Review of Citizen Petition articles for October 18, 2016 Special Town Meeting (*may take positions*)

- Article 5 – Repave and Repair Main Street: Reject TIP project for Main Street
Mr. Sam Stivers, 7 Presidential Drive. Project is too big and not in the interest of the town. The Board would like to see cost estimates presented at Town Meeting if this was to be done at local standards. The comparable cost needs to be strong and clear to identify the standards and direct DPW to do this road if TIP is not used. The Board would like to present a concise comparison at Town Meeting for the residents to decide as the State made it clear the TIP fund will not be available after Special Town Meeting. The Board voted unanimously to not support this article at Town Meeting.
- Article 6 – Zoning Bylaw- Eliminate ZBA power to grant use variances
Ms. Freddie Gillespie and Mr. Sam Stivers, co-sponsors of this petition, briefed on this article to eliminate the use variance which gives too much authority to the appointed members of the ZBA. Mr. John Bartolini, Mr. David McCay, and Mr. Bill Pezzoni also

spoke and are not in support of this article. The Board agreed to take position at Special Town Meeting.

- Article 7 – Rescind prior town meeting votes for Industrial Development Commission ('IDC') and related Financing Authority ('IDFA').
Ms. Freddie Gillespie explained this article is to rescind the existing IDC and IDFA. The IDC was not set up to cover what the Economic Development Committee ('EDC') is to be charged with. Mr. McCay, Chair of EDC, offered clarity on what the statutory Commission is set up to do. He said the statutory language does not change the operation on what the EDC is charged to do. He asked the Board to not support this warrant article at Town Meeting.
Mr. Cimino moved that Board of Selectmen to not support Article 7 at Town Meeting. Mr. Kolenda seconded. Vote 4-0-1 Mrs. Phaneuf abstained.

IV. Reports

- Chairman's Report:
Mr. Shea pointed out that the Flagg Road Forum will be held on Monday, September 12 at 6:30 pm at the Senior Center. This is to address the safety concerns, current conditions and issues on Flagg Road.
- Town Administrator Report: None

V. Consent Agenda

1. Approve Open Session meeting minutes: June 28, 2016, July 15, 2016
2. Appoint Cameron Chapski as Full-Time Safety Communication Officer
3. Appoint Meme Luttrell as Planning Board representative to the MetroWest Regional Collaborative
4. Appoint William Sines to ADA Committee
5. Accept resignation of David Eagle from Zoning Board of Appeals
6. Approve revised charge for Municipal Technology Committee
7. Approve one-day Beer and Wine License- Chestnut Hill Farm: September 16, Community Dinner Event
8. Approval of Request for Potential Filming in Southborough
9. Approve Executive Session meeting minutes: June 28, 2016, August 2, 2016, August 23, 2016

Mr. Cimino moved to approve Item 8 with the pending review of Indemnification Agreement that Mr. Hartman will provide. All in Favor 5-0

Mr. Kolenda moved to approved items 1 through 7 and 9. Mr. Cimino seconded. All in Favor 5-0

VI. Other Matters Properly Before the Board

1. Discussion of Policy on Public Comment during Selectmen meetings
Mr. Kolenda provided a brief overview on the draft document for Policy on Public Comment. Purpose of the policy is to provide guidance, direction, set parameters and focus on the agenda at hand. Mr. Shea asked the Board to review the draft and channel comments back through Mr. Purple and revisit this at upcoming meetings.

The Board adjourned the open session at 8:56pm and unanimous roll call vote to enter into Executive Session.

VII. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and will not return to Open Session – issue to be discussed to consider the purchase of real property (Exemption 6) as the Chair has determined that having the discussion in open session may be detrimental to the public body’s negotiating position.

VIII. Adjournment

Upcoming Meetings

September 12, 2016 – Flagg Road Forum, Senior Center, 6:30 pm

September 20, 2016

October 4, 2016

Submitted by Jenn Hom, Recording Secretary



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, September 9, 2016
Location: McAuliffe Hearing Room, Southborough Town House
Present: Chairman Brian Shea, John Rooney, Paul Cimino, and Town Administrator Mark Purple. Selectman Dan Kolenda participated remotely by phone.
Absent: Bonnie Phaneuf

Mr. Shea called the meeting to order at 5:09 PM.

Mr. Rooney recused himself and left the table.

Mr. Shea introduced the sole agenda item: the Planning Board's request to retain Special Counsel to review the ZBA decision on the Park Central Development. Mr. Shea said the Board did not vote Tuesday night because they had questions of Town Counsel, who was not present. Some board members have spoken with Town Counsel since that time. A meeting was posted as quickly as possible, as the Board felt it was important to have a vote rather than let the clock run out on the PB request. Mr. Shea asked Planning Board Chairman Don Morris to clarify his request again. Mr. Morris said the request is on behalf of a unanimous Planning Board. The Planning Board wants permission to hire special counsel for guidance on the ZBA's 40A approval of the Park Central project, with their own funding, to determine if there are grounds for an appeal, including the application of the use variances. The Planning Board has no intention of appealing the 40B portion of the project. Mr. Shea asked why the rush if the appeal period for the 40B runs out next week? Mr. Morris said that it is because the two components were linked by the ZBA, calling it an "integrated" site. Mr. Kolenda said that for one board to appeal another's decision is incredibly rare, and that it is more likely that an appeal comes from the residents. Mr. Morris said that he is unfamiliar with this area. Mr. Kolenda said he spoke with Town Counsel earlier in the day and confirmed the rarity of this request, and that counsel already provided guidance to the Planning Board verbally and in writing on how to proceed. Mr. Morris said he does not recall the guidance from Town Counsel that Mr. Kolenda referenced, but said that Town Counsel cannot support the Planning Board's request for legal assistance. The Planning Board is seeking the same level of legal service that is provided to all other town boards and committees. Mr. Kolenda is concerned about the Town funding both sides of a legal argument between two town boards. He is not comfortable taking this unprecedented step. Mr. Cimino believes that the decision to allow the Planning Board to seek advice other than from Town Counsel should be left with the Planning Board as an elected board. He went on to say that the decision is only before the Selectmen because Town Code requires it. Mr. Cimino said that granting approval on this issue would not be a referendum by the Selectmen to support the request or the merits of it. He trusts the Planning Board to act judiciously and represent the people who elected them.

Mr. Cimino made a motion that in accordance with Chapter 27, Section 7 of the Town Code, the Board authorizes the Planning Board to retain counsel to advise it with regard to issues related to the review and approval of the Park Central project, seconded by Mr. Shea for discussion. Mr. Morris said that the review of the Park Central project is still before the Planning Board. Mr. Cimino clarified that taking preliminary advice and ultimately filing an appeal are two very different things. Mr. Kolenda reiterated that he is not in support of this request for the reasons previously stated. Mr. Cimino understands the merits of Mr. Kolenda's argument, but thinks the decision should rest with the Planning Board. Don

agrees with most of what Mr. Kolenda said, but the Planning Board cannot control citizens' actions regarding an appeal. Mr. Morris said that Town Counsel told him on Tuesday that he cannot advise him on the merits of an appeal. Mr. Morris believes it is worse to have questions and concerns, and do nothing. Mr. Shea asked if the Planning Board had considered an appeal of the use variance decision in 2015. Mr. Morris said no, that he believed the Planning Board and ZBA could work things out as they had done in the past. Roll call vote: Cimino – yes, Shea – no; Kolenda – no. Motion fails, 1-2-0.

Kolenda motion to adjourn at 5:34PM, second by Shea, roll call vote: Shea – yes; Kolenda – yes; Cimino – no. Motion passes, 2-1-0.

Submitted by Mark Purple, Town Administrator

**Board of Selectmen Meeting
September 12, 2016
Senior Center, Cordaville Hall, Rooms A&B
9 Cordaville Road, Southborough**

RECEIVED
TOWN CLERK'S OFFICE
2010 DEC -5 A 10:27
SOUTHBOROUGH, MA

Present: John Rooney, Brian Shea, Paul Cimino, and Bonnie Phaneuf. Town Administrator Mark Purple was also present.

Mr. Shea called the meeting to order at 6:30pm. The purpose of the meeting was to conduct a public forum on the results of the safety study conducted for Flagg Road. Mr. Shea gave a brief history on the safety study and its results, which documented existing conditions and safety recommendations. He said that this is an issue that exists regardless of the proposed Park Central development. Mr. Shea noted that Mr. Rooney has agreed to kick off the meeting, and turned the microphone over to him.

Mr. Rooney said that it is important to try and separate the safety issue of Flagg Road from the Park Central development. The forum has a hard stop at 8:30pm; the Board can always schedule another session if the issue dictated it. Mr. Rooney went through the safety report and its recommendations for improvements to the roadway. He said that Town officials, including both Chiefs and Planning Board Chair Don Morris, recently walked the road and saw the existing issues with speeding traffic, and roadway width, exacerbated by the large trees against the edges of the pavement. Mr. Rooney said that many people, himself included, moved to Southborough for its rural setting. However, the traffic concerns and speed concerns need to be addressed by the Board, as road commissioners for the Town. Any improvements should take into consideration the impact on the rural character of the Town, including dynamic feedback signage. Mr. Rooney also noted the crash data for the road over the past several years. He did not expect any votes tonight, simply feedback from the residents on how the Selectmen should respond with respect to the safety study. He asked residents to focus on the road as it exists now, which was the focus of the safety study.

Patricia Ballard, 50 Deerfoot Road – questioned if information was available on the location of which trees may have to be removed on Flagg for safety or other reasons. Speed humps are also a great idea.

David Schwartz, 55 Flagg Road – feels the Selectmen are way off base on the safety report. The issue is the increased traffic from the Park Central development, which is creating the safety issue. Mr. Schwartz questioned the content of the report and the necessity of the improvements, as the issue is the result of the proposed development. No left turn on Flagg Road from John Boland Drive would solve the issue.

Gerry Capra, 6 Strawberry Hill Road – noted that there is very little traffic on Flagg Road in the morning now, getting on to Route 9. He thinks the Selectmen are spot on with their assessment of current issues. Mr. Capra said illegal parking at Cumberland Farms by tractor trailers creates a traffic issue coming off Flagg Road. Traffic markings and signage may help the speeding. Landscaping vehicles parked on Flagg are causing problems by further narrowing the road.

Howard Rose, 2 Bantry Road – thanked Selectmen for having this meeting. Always has to wait to get out onto Route 9 in the morning. Wants to gate off Flagg Road at Route 9 to eliminate cut through traffic from non-Southborough residents. Worried about future traffic from Park Central.

Attila Herczeg, 4 Jacobs Lane – residents came tonight to talk about Park Central. Addressing trees and pedestrians are not the issue; the issue is the Park Central development and the resulting increased traffic on Flagg Road. The residents are being misled on the issue.

Karen Shimkus, 8 Lynbrook Road – this is a terrible location for residential development. The ZBA thought the development was safe for Flagg Road, and the residents disagree. Mrs. Shimkus asked the attending Selectmen when the ZBA members were going to be held accountable for their decisions. Mr. Shea said that he couldn't answer without the input of Town Counsel, and tried to turn the discussion back to the safety of the road as outlined in the report. Mrs. Phaneuf said that despite corrective action, the development is the issue, and that she supports no left turn on Flagg Road from Park Central. Mrs. Phaneuf also identified a conflict of interest that she has with the project, but she can participate with respect to discussions on Flagg Road.

Keturah Martin, 75 Deerfoot Road – dead-ending Flagg Road would have an impact on her. Before Flagg Road is gated, a study should be done to see what the impact on other roads and residences would be.

Peter Bauer, 78 Main Street – was new to the issue, but attended the final ZBA meeting on Park Central. He thought the ZBA was clearly doing the developer's bidding, and showed contempt for comments from the public. The Planning Board meetings on Park Central were better, with more open dialogue and discussion of the issues. Selectmen should give Planning Board the ability to have special counsel to appeal the ZBA decision on Park Central. Mr. Morris explained the Planning Board's issue with the Park Central project, and why Planning Board was seeking special counsel.

Yan Huang, 75 Flagg Road – the study does not address the lack of roadside clear zones. The road width has a hard time accommodating the current level of traffic, but doesn't know how it can accommodate more traffic from Flagg Road.

Michael Robbins, 47 Deerfoot Road – Deerfoot Road is not safe now. We cannot implement enough traffic safety and mitigation measures on Flagg Road to make it safe. The proposed traffic from Park Central seems to be an afterthought to the approval of the development. Even the developer wants direct access to Route 9 for the project. Flagg Road can't handle its current traffic load.

Geoff Capraro, 34 Deerfoot Road – The parcel should be for industrial or commercial development, with access to Route 9 or 495. No access on Flagg Road should be allowed.

Janet Sussman, 1 Flagg Road – Flagg is a scenic country road. If ZBA had acted differently, then the response of residents would have been different. It was all about the 40B development, and not working together to understand the impacts on the residents. There needs to be commitments, with action steps, from boards and committees. Mrs. Phaneuf said that any impact of Park Central on Flagg Road is the jurisdiction of the Board of Selectmen, in discussion with MassDOT and the developer. These meetings should be public to keep people informed about the process. To delay any further is unacceptable. The Board should be acknowledged for making the effort to get input. Mr. Rooney said that his work office at Park Central prohibited him from participating in the issue, based on input from the Ethics Commission.

Marnie Hoolahan, 26 Clifford Street – we do need to find solutions on how to address traffic concerns on Flagg and Deerfoot. Developing a group to address the issue would be beneficial to finding solutions.

The safety study is important to read and understand the mitigation efforts. Some recommendations may work, some may not.

Walter Lapham, 144 Main Street – how do we know that Town Counsel isn't biased? Mrs. Shimkus noted that Town Counsel added an opinion to the variance, and would like to hear more from him on the issue.

Mr. Schwartz agreed with Ms. Hoolahan's points. He asked if anyone was present from MassDOT, and when so identified, asked the individual why there was no response from the State on his submission on the Park Central project sent to the Secretary asking for the public comment period to be reopened. The MassDOT representative said that he was present to take notes and bring them back to MassDOT for their consideration.

Tom Gittins, 73 Flagg Road – the Board of Selectmen should be trusted. He is opposed to the Park Central project, but there are worse things that have been proposed for that location over the years. It is important to address the safety issues on Flagg Road, and add the center line as soon as possible. Mr. Gittins said that the Town can add a speed hump and sign right in front of his house. Before Flagg is gated at Route 9, some of these other measures need to be implemented first to try and address the traffic speeding. If we can ban left turns out of Park Central onto Flagg, then we should do it.

Rachel Lipkin, 3 Flagg Road – concerned about son walking to Trottier and Neary Schools. She read a statement from her son that he was unable to share at the final ZBA hearing on Park Central.

Mr. Rose asked the MassDOT representative to ask his Director to deny the traffic permit for the Park Central project.

Robert Southey, 14 Strawberry Hill Road – expressed concern about safety of pedestrians and bikers on Flagg Road with increased traffic. Need to stop Park Central and eliminate the cause of the issue.

Mrs. Shimkus spoke about commercial traffic coming off of Route 9 onto Flagg Road.

Marybeth Philbin, 33 Flagg Road – concerned about students accessing the roads for sports or other reasons, and the roads are not safe.

Mr. Rooney said that the issues are clear from tonight, and it is obvious that there is work for the Selectmen to do. He believes that the Flagg Road issue should be a continuing agenda item. Mr. Rooney agrees with Mrs. Hoolahan's suggestion for developing a working group willing to engage on the issue.

Mr. Schwartz spoke about MEPA procedures, and the importance to allow resident input.

Mr. Shea spoke about the citizen petition filed for the upcoming town meeting on Flagg Road, and the October 4 meeting would have a presentation from the petitioners. Mrs. Sussman asked that the Selectmen take all the comments from the evening's forum be taken into consideration, and that action be timely. She also asked for updates from the Board. Mr. Shea said that the Board could vote to eliminate left hand turns out of Park Central onto Flagg Road, but he wanted to first hear from the petitioners on October 4.

Mr. Herczeg said that everyone who attended the final ZBA hearing on Park Central feels that the process was unfair. For transparency, he asked Mr. Shea if he would reconsider the Board's vote on giving Planning Board special counsel to appeal the ZBA decision. Paul Conti, 6 Blackthorn Drive, asked if the Selectmen have the power to stop the project based on safety. Mrs. Shimkus said the forum was too late because the ZBA had already approved the decision. Mrs. Phaneuf said that Town Counsel has told her that the Selectmen have the authority with regard to Flagg Road. Frederica Gillespie asked the question again if the Board would reconsider their vote on Planning Board counsel. Mr. Shea said that he sees both sides of the issue to grant special counsel to the Planning Board, but he will think about reconsidering the issue at the Board's next meeting.

A motion to adjourn the meeting at 8:57pm was unanimously approved.

Respectfully submitted,

Mark Purple, Town Administrator

Documents referred to in the meeting:

- Flagg Road Safety Study



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 20, 2016
Location: McAuliffe Hearing Room, Southborough Town House
Present: Chairman Brian Shea, Bonnie Phaneuf, John Rooney, Paul Cimino
Absent: Daniel Kolenda

Meeting called to order at 6:30 p.m.

Chairman Shea made note that, Hillary Young Carney, the Planning Department's Administrative Assistant for 20 years, will be retiring effective September 30th. Mr. Shea commended Ms. Carney for her valuable expertise, including serving as acting Town Planner three times over the years. The Board extended their appreciation and good wishes.

Public Comment

Frederica Gillespie (78 Southville Road): Ms. Gillespie respectfully requested the Board correct the Special Town Meeting warrant to accurately reflect sponsors of articles 6 and 7, which were named on a previous draft version. Mr. Purple, at the advice of counsel, removed ineligible or unspecified sponsors of the articles. While the Board feels what's most important is that the sponsors speak to the articles at the meeting, they agreed to have sponsors listed as requested for this warrant, with the exception of the ineligible sponsors that did not sign the petition. Going forward, sponsors must be clearly defined at time of submission, and must sign the article they are sponsoring.

Special Town Meeting Articles Review

Articles reviewed for October 18, 2016 Special Town Meeting:

- *Article 1 – Reports of the various Town Officers and Committees:* The Board will make recommendation at Town Meeting.
- *Article 2 – FY17 Interdepartmental Transfers:* Finance Director Mr. Brian Ballantine spoke to the article. The transfers will not affect the tax rate; these are residual, unused revenue balances being transferred. Funds transferred into the Treasurer's account will be used for new payroll/benefits personnel as well as a new payroll system. Funds transferred to Trottier School will be used for Trottier Hall renovations. Mr. Cimino was concerned about using funds from previous town meeting articles voted for other purposes. Mr. Ballantine assured that it was appropriate, since the unused balances from the school articles are going toward school improvements.
- *Article 3 – Funding for Collective Bargaining Agreements:* Bonnie Phaneuf motioned for the Board to hold recommendation until Town Meeting. Motion seconded and voted all in favor.
- *Article 4 - Acquire Public Easements:* DPW Superintendent Karen Galligan spoke to the article and presented a slide show, defining the need for easements to proceed with the Main Street Project. Ms. Galligan stressed that the project is not a road widening or straightening for the entire length of Main Street, rather it will primarily address intersection widening to add left turn lanes. Mr. Rooney asked what the cost of the project would be if the Town does it without TIP funds (Federal and State funding) of \$7.2M. Ms. Galligan said the Main Street Design Working Group will be estimating cost at their next meeting on September 28th. The Board agreed to wait for an estimate and discuss this at their October 4th meeting before taking a position. The printed warrant will reflect "At Town Meeting" in the meantime.

Consent Agenda

1. Approve Open Session meeting minutes: August 23, 2016, September 6, 2016, September 9, 2016
2. Appoint Thomas Laflamme as the Southborough IT Representative to the Southborough Emergency Planning Committee
3. Appoint Tracy Baldelli to Youth Commission to a vacant term ending June 30, 2019

4. Sign warrant for October 18, 2016 Special Town Meeting

Bonnie Phaneuf motioned to approved the meeting minutes of August 23, 2016 and September 6, 2016 as presented. Motion was seconded and voted all in favor. Mr. Cimino would like to hold the September 9, 2016 minutes for further review.

Ms. Phaneuf motioned to approve consent agenda items 2 through 4. Motion was seconded and voted all in favor.

Historical Commission

Chairman Joseph Hubley and Vice Chair Katherine Matison were present to provide an update on the Historic District. Ms. Matison narrated a slide show offering details of creating and applying for a National Historic District in Southborough, which would include 73 properties primarily along Main Street, Middle Road, and Latisquama Road. Town Meeting vote or any action by the Board of Selectmen is not required; only property owners will have an input and vote in the process. (Each owner gets one vote, regardless of the number of properties owned.)

There will be an informational public meeting held on November 9th at 7:15p.m. at the Town House. Ms. Matison invited the Board of Selectmen to attend.

Reports

Chairman's Report:

The Board of Selectmen is planning to interview ZBA candidates for an existing vacancy at their October 4th meeting. To date, four new volunteer applications, plus two alternates are up for consideration. The Board will be accepting applications from interested volunteers until Wednesday, September 28th.

Chairman Shea informed that in follow up to the Flagg Road Forum held September 12th, the Board of Selectmen sent a letter on September 19th to MassDOT, addressing safety and accessibility concerns regarding the use of Flagg Road as a Route 9 ingress/egress for the Park Central Project. Mr. Rooney clarified that although he has a conflict regarding any Park Central discussions, he is able to discuss safety and traffic concerns regarding Flagg Road. He suggests the Board consider no future curb cuts on Flagg Road due to the current existing conditions of the road. Mr. Cimino agrees, but is unsure of the Board's ability to completely eliminate all future curb cuts. He suggested adding a concrete island at John Boland Drive which will not allow a left turn to Flagg Road and also will not allow a right turn onto John Boland Drive from Flagg. The only caveat is that such an island would limit Route 9 access to current Flagg Road residents. There was discussion regarding the best approach to take, while not taking the increased traffic problem and relocating to surrounding neighborhoods. Mr. Shea feels action should be taken sooner than later, and will have Mr. Kolenda do his homework and be able to participate in this discussion at their October 4th meeting. The Board opened discussion to the audience.

Karen Shimkus (8 Lynbrook Road) said although the neighborhood doesn't want to feel isolated with limited access, it is preferred over a massive traffic increase. Traffic study experts also recommended closing Flagg Road. Ms. Shimkus said residents have concerns over past actions by the ZBA; Mr. Shea asked that comments are kept to the current topic of Flagg Road safety.

Howard Rose (2 Bantry Road) thanked the Board for taking a stance to back citizens' safety and consideration for the town as a whole.

Kevin Harrington (58 Flagg Road) feels the traffic back up will not only affect Flagg Road, but will spill onto surrounding roads.

Felix Wamburu (64 Flagg Road) advocates the closure of Flagg Road. He is willing to lose easy access to Route 9 and add time to his commute for the sake of safety.

Peter Bauer (78 Main Street) thanked the Board for having an open and considerate meeting. However, he wanted to note that he attended a recent ZBA meeting and felt intimidated to participate. David Eagle (ZBA Chair)

had an armed police officer at hand, and made the public feel unwelcomed. He asked if the ZBA's actions are overreached, can the Board of Selectmen overturn a decision; the response was no. Although the Selectmen appoint ZBA and several other committees, they cannot oversee or override their decisions. There is an appeal process that allows oversight and review.

Deb Demuria (58 Flagg Road) said she spoke with Barry Lorion at MassDOT in the Worcester office, who told her their goal was to push Route 9 traffic into connector neighborhoods to alleviate congestion. She understands the Board of Selectmen has full control over Flagg Road, why can't they authorize its closure. The Board is not sure to what extent they have control or can limit access by a private landowner; they will get an answer and address this at their October 4th meeting. DPW Superintendent Karen Galligan said she is aware that MassDOT wants to prevent access to Route 9 from Park Central Road, but is not aware of them wanting to re-route all Route 9 traffic. She would like to get clarification. Additionally, before closing any road, a traffic study for surrounding neighborhoods should be conducted.

The Board agreed to obtain some answers and continue this discussion to October 4th, with safety officials present to address concerns.

Town Administrator Report:

- Green Community Status: we are moving ahead; a meeting is planned this week. A 5-year energy reduction plan is pending. Mr. Parent is working diligently on putting a plan together, with the help of Carl Guyer.
- Municipal Aggregation Plan: Peregrine Energy Group will be presenting a public review of the aggregation plan, along with a brief question and answer session.

Executive Session

At 8:20p.m. a motion was made for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not return to open session - issue to be discussed: to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position. Roll call vote as follows: Ms. Phaneuf – yes; Mr. Rooney – yes; Mr. Cimino – yes; Mr. Shea – yes.

Open session adjourned.

Respectfully submitted,

Lori Esposito, Executive Assistant



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 4, 2016

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman Brian Shea, Bonnie Phaneuf, Paul Cimino, John Rooney, Daniel Kolenda, Town Administrator, Mark Purple.

Absent:

Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and will return to Open Session issues to discussed: (1) to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussions in open session may be detrimental to the public body's negotiating position; (2) to discuss pending litigation (Exemption 3); (3) to discuss collective bargaining strategy (Exemption 3).

Open Session Called Meeting to order at 6:56pm

Scheduled Appointments

1. Peregrine Energy Group – Public review of aggregation plan

Ms. Marlana Patton, VP of Peregrine Energy Group, provided a draft presentation of the aggregation plan. This group was selected to work with the Town on its municipal aggregation program for electricity. First step is to develop a plan where Town will submit to the State for regulatory approval. The presentation covered how the program will work. The documents are available to review online and there is a 3-week public comment period beginning tonight.

2. Interviews for Zoning Board of Appeals (may make appointment)

- a. Sam Stivers
- b. Michael Robbins
- c. Debbie Demuria

All three candidates are present to be interviewed by the Board of Selectmen. Mr. Shea asked the Board to hold off on appointment for tonight because there is one more applicant, Jonathan Greene who is not present but will be here on 10/17. Mr. Dennington, Chairman of ZBA submitted a letter indicating that the ZBA voted unanimously to recommend that the BOS appoint one of the alternate members, Jeff Walker and David Williams, to fill the vacant position. Mr. Williams was interviewed recently. Mr. Shea also asked Mr. Walker to be interviewed on the 17th.

3. Review of Article 8 for October 18, 2016 Special Town Meeting (may take position): *Request for Board of Selectmen and Planning Board to invoke certain requirements for Flagg Road access.*

Debbie DeMuria (58 Flagg Road) and Kevin Farrington (58 Flagg Road) provided a slideshow to present Article 8. The article requests the Board (1) to consider closing Flagg Road, near Route 9, from the Park Central site onto Flagg Road (2) to address the increased danger of pedestrians with any Park Central traffic. Ms. Phaneuf asked Chief Mauro and Chief Paulus to share their discussion if a gate was installed to close the end of Flagg Road. Chief Mauro stated that he had met with Ms. Demuria regarding the article and addressed concerns from an emergency response standpoint if a gate was put up at the end of Flagg Road. It has been a longstanding through street and this street is used as a refuge point to get off Route 9. He is also concerned

with the maintenance and ease and access to get through the gate. Chief Mauro is opposed to the gate and would be the last resort effort due to Flagg Road becoming a dead end and traffic getting stuck at the end. The Board is in favor of identifying all the safety measures on Flagg Road. Installing a gate at the end of Flagg Road may be an ultimate potential solution but not a first step. Flagg Road discussion has been ongoing for many months. Mr. Shea said that the proponent of Park Central project needs to hear what the Board's preferences are for a long term solution to Flagg Road. In addition to discussion of Article 8, Mr. Shea would like to combine Item 2 under "Other Matters Properly Before the Board" and have a recommendation come from this Board on a long term recommendation to the proponent of Park Central project.

Ms. Phaneuf made a motion that the applicant for the development petition MassDOT to use Park Central Drive as the preference of this Board. Mr. Cimino second the motion for discussion. Mr. Shea asked the Board to take a directive tonight as this Article will be presented at Special Town Meeting and it would be good for the Board to take an alternate position and also in the Board's best interest to have that position made public. Ms. Phaneuf restated her motion to ask the developer to go to MassDOT to get the letter denying him access through Park Central Drive off of Route 9 and if that is the case, motion is that there be no left turn out of John Boland Drive onto Flagg Road and all traffic coming onto John Boland Drive has to come in from Route 9. Motion Failed. Mr. Rooney abstained. Mr. Cimino made an alternative motion that the BOS notify the developer and take the position that, barring a solution to the access/egress issue of the Park Central project currently planned and designed, the Board intends to disallow any access to Flagg Road. Motion passed 3-1-1 Mr. Kolenda opposed, Mr. Rooney abstained. Mr. Shea moved that this Board does not support Article 8. 5-0 All in Favor.

Reports

1. Chairman's Report

Mr. Shea acknowledged receipt of a citizen petition relative to the removal of ZBA Board Member.

2. Town Administrator's Report

Mr. Purple reminded the Board of the NECC ribbon cutting ceremony for the opening of the John and Diane Kim Autism Institute on Monday, 10/17 at 3pm.

Chief Mauro received a Fire Fighters grant of \$97,000 for purchase of power lift stretchers.

Consent Agenda

1. Approve Meeting Minutes: September 9, 2016; September 20, 2016
2. Appoint Officer Michael Cunningham to Full Time Communications Officer
3. Appoint Robin Fruneaux to Southborough Scholarship Advisory Committee (6/30/2019 term)
4. Appoint Mark E. Peitrewicz to Conservation Commission (6/30/2019 term)
5. Reappoint Meme Luttrell- Planning Board representative for Metro West Regional Collaborative
6. Reappoint Cameron Chapski – Full time Public Safety Communications Officer
7. Accept resignation of Robert Myers from Council on Aging
8. Reauthorize transportation Memorandum of Understanding agreements for Southborough Emergency Management Agency (SEMA)
9. Accept \$2,000 donation from Tony Kwan of Cosmoland, Inc. towards EDC Community Guide
10. Approval of Memorandum of Agreement with Communication Officers
11. Approve re-finance letters for 16 Stockwell Lane & 10A Fitzgerald Lane (affordable units)

Ms. Phaneuf motioned to approve consent agenda items 1 through 8, 10 and 11.

Mr. Kolenda suggested to hold Item 9 until the next EDC meeting.

Mr. Cimino seconded and voted all in favor. Mr. Rooney abstained from 9/9 minutes and Mr. Kolenda abstained from 9/20 minutes.

Other Matters Properly Before the Board

1. Main Street Design Working Group – Main Street project alternate design and costs
Claire Reynolds and Sue Baust, members of Main Street Group Committee, were asked to present an alternative plan for the TIP Project. A cost breakdown for the project was presented if it was not funded by the TIP Program. The unit prices were drawn from the same database that the TIP Project used. The \$4.7 million on the left broken down in the different components represents bare minimum work and meets Town standards if it was done with Town money. The data on the right shows items that would be nice to have. Keep in mind that there are additional items not on this list that would be funded under the TIP Project. The Advisory Board voted to support Article 4. Ms. Reynolds also mentioned that if this project was paid by the Town, the increase on the tax bill on an average price home of \$575 would be approximately \$1435 for the average of 10 years on a \$5 million bond. Mr. Steve Phillip (26 Main Street) brought up the memo from Karen Galligan dated May 10th attached to the May 17th meeting packet. The memo laid out 4 options on how to do Main Street. 1. TIP funded project will be close to \$7 million 2. Doing the essential same project without TIP fund was estimated at \$5.3 million. 3. Resurfacing options for the road proposal was estimated at \$ 925K. 4. Any road updated came in at \$2.25 million which involves a more significant upgrade to the work itself. Ms. Baust said that the \$925K was an answer to a basic question that was asked to Ms. Galligan, “How much it cost for pave work?”. Ms. Baust also said that the request was not well defined when asked to prepare for the \$2.25 million estimate, to be done to satisfy town standards. As for the report presented tonight, Main Street Group took directions from the Board on specifically what needed to be in a non-tip funded project and worked with VHB to prepare these estimates. The Board held off taking a position on Article 4 until this report. Mr. Shea moved that the Board support Article 4 at Special Town Meeting. All in Favor 5-0
2. Continued discussion of Flagg road.
This was discussed in conjunction with Item 3 under Scheduled Appointments.
3. Update on Public Safety negotiations
Mr. Rooney provided an update on Public Safety Facility. Public Safety Committee came up with various options to build a Public Safety Facility where all options required the Town to approach St. Marks for additional land. Concurrently, St. Marks was very interested in acquiring the land that the Police and Fire is on along with the stump dump. St. Marks also asked if the Town would be interested in purchasing the golf course. The Board thought it would be good opportunity for the town if the terms were appropriate to protect the land from future developers. Negotiations and discussions occurred over time and St. Marks most recently came forth with a proposal to swap land in exchange for the golf course becoming town property. It is St. Marks’ intention to sell the golf course whether to the Town or to the open market, it is upon that premise that the Board would like to proceed with the negotiations. It is the Board’s desire to build a Public Safety Facility on that land and to preserve a large portion to open space. Also discussed was the possibility of building a community /senior center on that property. This would also give the Town control of future development at that location. The plan is to present this agreement at Annual Town Meeting. All the information, relative to the value of the

property and cost of building a new Public Safety Facility, will be made public well before Annual Town Meeting in advance for town voting.

4. Selectmen positions on October 18, 2016 warrant articles (may take vote)
Motion to support Article 3 at Special Town Meeting. All in favor 5-0
Board will take a position on Article 6 at Special Town Meeting.

Public Comment

Karen Shimkus (2 Lynbrook Road) questioned the process of bidding out the contracts that were presented. She also expressed concerns over a contract with Eagle Leasing and also commented on the process of selecting board member.

Dave Schwartz (55 Flagg Road) thanked the Board for taking a proactive decision on Flagg Road and also thanked Ms. Phaneuf on her proposed motion. He wanted to mention that before the public access request was made, he started the research with MassDOT and their intent and was told that no request for a permit was made to access Route 9 because they were told that they could not.

Keturah Martin (75 Deerfoot Road) provided a resident's update from the Monday night Flagg Road Forum. The group shared different ideas but came down to the fact that there was not a whole lot of information to go on. They felt the traffic studies were not neutral and limited in scope.

Tom Gittin (73 Flagg Road) thanked the Board on the vote taken this evening.

Meeting adjourned at 10:21pm

<p style="text-align: center;"><i>Upcoming Meetings</i> <i>October 17, 2016</i> <i>October 18, 2016 – Special Town Meeting</i> <i>November 1, 2016</i> <i>November 15, 2016</i></p>
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TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Monday, October 17, 2016

Location: Cordaville Hall Conference Rooms A & B

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, Paul Cimino, John Rooney (joined in at 6:40pm) and Town Administrator, Mark Purple.

Absent:

I. Called Meeting to Order at 6:33pm

II. Scheduled Appointments

1. Steve Morreale, Moderator-review of October 18, 2016 warrant

Mr. Morreale reviewed the warrant articles to prepare for Special Town Meeting.

2. Joint Meeting with Public Safety Study Committee

Mr. Al Hamilton, Chairman of the Public Safety Study Committee, provided an update on the Public Safety Facility assuming that the land deal will go through with St. Marks. The Committee had voted to ask the BOS (1) To develop a high level plan for the whole parcel and (2) Authorize the committee to seek and procure additional technical resources to evaluate the site with the intent to provide sufficient technical details to present at Town Meeting. Mr. Hamilton asked the Board to review the draft Charge to the Committee as presented. Mr. Cimino made a few recommendations to the Charge. 1st bullet: insert "contiguous to have control of property" after "Golf Course" 3rd bullet: Insert "and or assist" after Conduct. Last bullet: insert "Public" after "BOS". Mr. Kolenda moved to accept the BOS charges that is provided in the supplement packet with the edits made by Mr. Cimino. Also added to the secondary motion is the approval of up to \$15K if necessary for a technical counsel to provide site evaluation. Mr. Cimino seconded and all in favor.

3. Interview applicant for ZBA Full-member position (vote will be taken)

a. Jonathan Green

b. Jeffrey Walker

Mr. Green and Mr. Walker are present to be interviewed for the 1 vacant seat in the ZBA. There are a total of 6 applicants. Ms. Debbie Demuria, Mr. Robbins and Mr. Sam Stivers were interviewed on 10/4. Mr. Williams, a current alternate of the ZBA was also interviewed prior. Mr. Dennington, Chairman of the ZBA and the committee had recommended to the Board to consider one of the two alternates Mr. Williams or Mr. Walker to the permanent position. Mrs. Kolenda made a motion to appoint Mr. Williams to the permanent position to end on June 20, 2017. Mr. Cimino seconded and all in favor. Mr. Cimino made a motion to appoint Ms. Demuria to the alternate position also expiring on June 20, 2017. Mr. Kolenda seconded and all in favor.

III. Reports

1. Chairman's Report

Mr. Shea reiterated that the Board received a citizen's petition regarding Mr. Bartolini. This matter did not make it in the 10/17 agenda but will be an agenda item on the 11/1 meeting.

2. Town Administrator Report

Mr. Purple reported that the office space located in the senior center is complete and Building Dept is moved in. The auditor has preliminary draft documents into Brian Ballantine where Mr. Ballantine and his team will be reviewing them and hope to do a

presentation to the Board on the first meeting in December. Mr. Purple said that he usually posts a 6pm meeting for the Board before the Town Meeting at 7pm to discuss anything outstanding. The Board did not take a position on Article 6, Use Variance and agreed to discuss it. The Board will hear arguments at the Special Town Meeting before taking a position.

IV. Consent Agenda

1. Reappoint Sarah Distefano to Youth Commission to vacant term ending June 30, 2019.
2. Reappoint Tracy Baldelli to Youth Commission to a vacant term ending June 30, 2019.
3. Appoint Bradford M. Morse to Recreation Commission to a vacant term ending June 30, 2018.
4. Accept \$300 donation for Southborough Youth and Family Services
5. Sign warrant for November 8, 2016 State Election

Mr. Kolenda motioned to approve items 1 through 5. Mr. Cimino seconded and all in favor.

V. Other Matters Properly Before the Board

None

VI. Public Comment

Karen Shimkus, 8 Lynbrook Road, commented on some of the candidates recently interviewed for the ZBA full member position particularly highlighting John Green and Sam Stivers' expertise and qualifications. She also objected to some of the interview questions and felt it was unfair. She also questioned the difficulty in getting minutes from ZBA meetings and why some time periods have no record of minutes.

Joyce Macknauskas, Chairman of the Beautification Committee for the Southborough Gardeners, read a letter to the Board on their appreciation and gratitude to Karen Galligan and DPW for their assistance and resources in installing the planters at the Library. She also thanked Ryan Donovan, Director of the Library for his support.

Sam Stivers, 7 Presidential Drive, said that there will be alternative recommendations presented at the Special Town Meeting regarding Article 6, Use Variance. He also asked if the Board has reconsidered providing legal counsel to Planning Board on the Park Central Project.

Marnie Hoolahan, 26 Clifford Road, shared the same concerns as Mr. Stivers on providing independent counsel for Planning Board on the Park Central Project. She also noted that the safety on Flagg Road had not been addressed on the comprehensive permit and is asking the Board to reevaluate that. She also requested to confirm in public record that Mr. Bartolini's petition will be addressed in the 11/1 meeting.

VII. Adjournment

Meeting adjourned at 8:38 pm

<p style="text-align: center;"><i>Upcoming Meetings</i> <i>October 18, 2016 – Special Town Meeting</i> <i>November 1, 2016</i> <i>November 15, 2016</i></p>

Submitted by Jenn Hom, Recording Secretary



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Thursday, November 3, 2016
Location: Cordaville Hall, 9 Cordaville Road, Southborough
Present: Chairman Brian Shea, Bonnie Phaneuf, Paul Cimino, Dan Kolenda (left at 7:45pm)
Absent: John Rooney

I. Meeting called to order at 6:00 p.m.

Chairman Shea wanted to note that a longtime resident, Dr. Timothy Stone passed away recently at the age of 101. Mr. Shea made note of some of the longtime resident's accomplishments and held a moment of silence in his memory.

II. Public Comment

Jonathan Green (10 Tara Road) said a petition will be forthcoming to the Board of Selectmen to get legal representation for the Planning Board regarding the Park Central appeal. He feels Town Counsel assisting the ZBA is out of line. Mr. Cimino said he is not out of line, the ZBA is a town board. Mr. Green asked if the Board would vote to provide Planning Board counsel. Mr. Kolenda explained the Board does not engage in debate or voting during public comment, but he would be happy to talk to Mr. Green at a later time. Sam Stivers (7 Presidential Drive) supports Mr. Green's suggestion, and feels the Planning Board does not get the support they deserve.

III. Scheduled Appointments

1. Citizen's Petition for the removal of Leo Bartolini from the Zoning Board of Appeals

Chairman Shea made a statement to set the tone of the meeting and remind that this is not an advertised hearing, rather a discussion for the Board to hear from complainants of said petition.

Petition sponsor Marnie Hoolahan (26 Clifford Street) spoke to concerns addressed in the petition, including loss of public confidence, Mr. Bartolini's treatment of the public at ZBA meetings, as well as his apparent articulating in support of proponents during hearings. Attila Herczeg (4 Jacobs Lane) said he wanted to participate in various hearings, but was suppressed for a very long time. He feels removing Mr. Bartolini would restore public confidence in what is being decided on behalf of the Town. Linda Perkins (1 Tara Road) said she has witnessed Mr. Bartolini actually shouting at residents while speaking at the podium and telling them they are wrong. Jonathan Green feels Mr. Bartolini is a bully and there is no need for that in a public meeting. Sam Stivers said he was a former ZBA member and Chairman. The Chair is responsible for regulating conduct, and during his four years as Chair, he failed to always control Mr. Bartolini's conduct. He was somewhat successful, but Mr. Bartolini was often disruptive during meetings. Karen Shimkus (8 Lynnbrook Road) said the behavior has been going on for six years and she is concerned about improper conduct and process of the ZBA board. She was visibly upset, accusing a "backwards process" and inaccurate application of the law.

Selectman Kolenda stated that every member of the Board wants what's best for the Town; they work hard while donating their time and cannot possibly communicate everything that is being done and efforts made to address citizen's concerns. He would like to hear options from Town Counsel regarding moving forward with a hearing if the Board chooses to do so. Selectman Cimino reminded that the Board of Selectmen, although the appointing authority, cannot dictate judgement and decision of appointed boards. Regarding behavior and respect, it should be standard conduct amongst all board members, elected or appointed. Mr. Cimino would be in support of setting a hearing date and consulting with Town Counsel.

Selectman Phaneuf motioned for Chair to coordinate a hearing with all necessary parties, with a potential hearing date of November 15th. Mr. Kolenda seconded; voted all in favor, 4-0.

2. Preliminary FY18 budget discussion – Brian Ballantine, Finance Director

Mr. Ballantine summarized a PowerPoint presentation:

- Free cash has been certified at \$1.55M, an increase of \$399K over last year.
- The available levy capacity is \$2.4M.
- Funds balances are as follows:
 - OPEB: \$606K
 - Stabilization Fund: \$555K
 - Community Preservation Commission Fund: \$1.56M
- Anticipated FY18 capital requests are approximately \$1.7M (does not include IT needs yet).
- The 5-year financial projection shows estimated levy insufficiency.
- Budget calendar for FY18 was outlined.

The presentation as well as the budget calendar will also be posted on the Town website.

3. Consideration of New Employee Benefit Policy – Brian Ballantine, Finance Director

Mr. Ballantine feels a new policy is necessary because the cost of health insurance is exorbitant, and the current policy of offering health benefits for any employee working a minimum of 20 hours per week is becoming too costly for the Town. The proposed new policy requires all future hires as well as new employee positions created by the Town shall either be less than 19.5 hours per week or more than 35 hours per week. If part time help is needed in a department, a single employee may be combined with another department's part time hours to total 35 or more. Any existing employees currently working 19.5 hours or less per week may only have hours increased to a minimum of 35 hours per week. This policy will not affect any existing employees working between 19.5 and 35 hours per week.

Paul Cimino made a motion to adopt the proposed policy. Bonnie Phaneuf seconded; voted all in favor, 3-0 (Mr. Kolenda left the meeting earlier.)

4. Discussion of Truck Exclusion Studies – Karen Galligan, DPW Superintendent

Ms. Galligan is addressing concerns of residents on Parkerville Road, and looking into the possibility of a truck exclusion. She suggests a traffic study be conducted to start; there are funds in her engineering budget to get a starting point and recommendation to continue with further study. Ms. Galligan can commit \$6K for data collection, and get counts to see if an exclusion would be warranted.

Thomas Joyce (54 Deerfoot Road) lives at the intersection of Flagg and Deerfoot, where large trucks cannot make the turn. He has had property damage due to trucks turning in his front yard because they get stuck. He asked why these trucks are taking a rural route, assuming their destination is Ken's Foods off of Route 9. Ms. Galligan said a conversation with Ken's Foods would be appropriate, as well as determining a way to limit access early, before the trucks get stuck at the intersection with nowhere to go. It's possible that their GPS directions are sending them this route, but the first step is to get a traffic count.

Regarding the Parkerville Road complaint, the trucks seem to be traveling north, headed towards Route 9, and it appears to be primarily garbage trucks observed. The resident's complaint is the noise at early hours; the road also has speed bumps. Ms. Galligan estimates the study for just Parkerville Road would be around \$3K, or both roads for around \$6K. Board is in agreement to expend \$6K for traffic counts on both roads; Mr. Cimino motioned to approve. Motion was seconded and voted all in favor, 3-0.

IV. Reports

1. Chairman's Report - none
2. Town Administrator's Report

Town Counsel's title exam for the St. Mark's property has been completed, and there are no restrictions to prohibit any form of construction on the site.

The Green Communities Designation Application documentation has been preliminarily reviewed and the feedback has been positive; only some minor adjustments are needed. Mr. Purple acknowledged the work of John Parent and Lori Esposito in completing this application.

A response from Mass DOT regarding Park Central has been received. They will not attend a public meeting regarding the permitting process; it is against their policy. They do support a strategy to alleviate the Flagg Road traffic impact, and additional mitigation may be required. An additional meeting to discuss with limited Town representatives was offered. Mr. Cimino feels Mass DOT is making a mistake to refuse to attend a Town meeting. He proposes Mr. Purple send a letter encouraging them to reconsider; Ms. Phaneuf is in agreement. Mr. Purple will send letter.

V. Consent Agenda

1. Set Annual Town Meeting date for 2017; open/close dates for warrant article submissions
2. Appoint Denise Johnson to Southborough Cultural Arts Council
3. Award recommendation of Public Safety Study Committee for Donham & Sweeney contract
4. Accept resignation of Steve Phillips from Main Street Design Working Group
5. Accept PILOT payment of \$52,036 from New England Center for Children

Mr. Cimino made a motion to accept consent agenda items #2 through #5. Ms. Phaneuf seconded, voted all in favor, 3-0.

The Annual Town Meeting date (consent agenda item #1) was set for April 10, 2017, with the warrant opening date effective November 3, 2016.

VI. Other Matters Properly Before the Board

1. Discussion composition of Cable Committee for upcoming License Renewals

The Verizon contract is due to expire in early 2019, and they have reached out to begin negotiations. Communities typically charge a Cable Committee, as well as Town Counsel to move forward with negotiations. The recommendation is 3-5 members; we could possibly reach out to volunteers who sat during the previous negotiations. Mr. Purple will draft a committee charge for the Board's consideration at their November 15th meeting.

2. Discussion of Master Plan Committee for St. Mark's Golf Course property

Michael Elfland (26 Latisquama Road) would like to discuss the St. Mark's Golf Course Master Plan Committee. He would appreciate if the Board determines early that a healthy buffer of land should be left for Latisquama Road abutters, to assist with long term planning. Freddie Gillespie (Open Space Preservation Commission) feels the planning process should be opened up for a large discussion to get ideas and a consensus; perhaps a charrette. This would allow board to get a consensus from citizens and boards and committees regarding use of the land, prior to Town Meeting. The Master Plan Committee should comprise a variety of representation; the Board agreed to have representation from the Recreation Commission, Council on Aging, Open Space Preservation Commission, as well as two direct abutters and two citizens at large. Ms. Gillespie will bring to the Open Space Preservation Commission meeting for consideration of using administration money to coordinate a charrette. Mark Purple will draft a committee charge for the Board's consideration at their November 15th meeting.

VII. Adjournment

At 8:58pm, Ms. Phaneuf motioned to adjourn. Motion was seconded and voted all in favor, 3-0.

Respectfully submitted,

Lori Esposito, Executive Assistant

Upcoming Meetings

November 15, 2016

December 6, 2016

List of documents referred to at the November 3, 2016 BOS meeting:

- Citizen Petition dated 9/1/16: Second request for removal of Leo F. Bartolini Jr. from the ZBA
- Fiscal Year 2018 Budget Introduction presentation by Brian Ballantine, Finance Director
- Town Benefit Policy memo proposed by Brian Ballantine
- Letter from Karen Galligan, DPW Superintendent, re: Truck Exclusion
- Citizen Petition to designate a truck exclusion on Parkerville Road
- Denise Johnson Town Volunteer Form
- Memo from Mark Purple, Town Administrator, re: Donham and Sweeney Contract
- Email from Steve Phillips resigning from Main Street Design Working Group
- Letter from Verizon re: Franchise Renewal Notice



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: November 15, 2016

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman Brian Shea; Dan Kolenda; Bonnie Phaneuf; John Rooney; Paul Cimino; Town Administrator, Mark Purple

Absent:

I. Called Meeting to Order at 6:33 pm

II. Scheduled Appointments

1. 6:30pm Tax Classification Hearing

Mr. Paul Cibelli, Principal Assessor provided slideshow overview of FY17 Tax Classification Hearing. He explained the single tax rate versus split tax rate. The Board of Assessors unanimously recommended to continue with a single tax rate for FY17. Mr. Shea indicated the Board received a letter from The Corridor Nine Area Chamber of Commerce Board of Directors and also a letter from the Economic Development Committee in support of the single tax rate along with a letter of opposition from Mr. Sam Stivers. Mr. Stivers (7 Presidential Drive) is present to explain his support for split tax rate for the interest of the residential tax payers. It is a tool that is useful to help stabilize the residential property tax rate and he urged the Board to at least consider a small shift to a split tax rate. The Board was in favor to close the public hearing and Mr. Kolenda moved that the Board agree with the Board of Assessors and continue with the single tax rate for 2017. Mr. Rooney seconded. All in Favor 5-0

2. Discussion – Citizen's Petition to provide independent counsel for Planning Board

A Citizen's Petition was submitted to the Board for the 2nd time requesting authorization for the Planning Board to seek independent counsel regarding Park Central Development. Mrs. Phaneuf and Mr. Rooney have recused themselves due to conflict of interest in this matter. Mr. Shea, Mr. Kolenda and Mr. Cimino will continue the discussion. Mr. Shea learned from Mr. Morris, Planning Board Chair, that the Planning Board had voted to dismiss its legal action against ZBA and the Park Central Proponent. The request for independent counsel is to support the Planning Board's appeal that they had filed against ZBA and Park Central. In light of the decision that the Planning Board made to drop its legal action, the need for independent counsel is non-pursuant. For other issues that may arise that require legal representation to the Planning Board, Mr. Shea would suggest that Town Counsel offer guidance to the extent that he can to the Planning Board. If for any reason Town Counsel is conflicted and cannot provide further guidance, the Board would revisit the possibility of independent counsel. Mr. Kolenda agreed with Mr. Shea. Mr. Cimino will continue to support the Planning Board's request and will do so when the Board takes a vote. Marnie Hoolahan (26 Clifford Road) submitted the petition on behalf of 312 citizens and urged the Board to act in the Town's best interest and not rely on Town Counsel, who is conflicted and unable to provide advice to the Planning Board. Mr. Shea reinstated that the door is open for future consideration for independent counsel if Town Counsel is not able to. Mr. Morris, Planning Board Chair, explained the reason for their withdrawal was because they went as far as they could with the appeal with no legal representation. Planning Board continues to ask for legal support. Mr. Shea offered to facilitate a meeting with Mr. Cipriano, Mr. Purple, and a Planning Board member to get some movement. Mr. Kolenda also suggested a meeting with two Planning Board members and Mr. Cipriano with a discussion to frame

something that would work. Mr. Shea will follow up with a set date for the meeting. Tom Gittins (73 Flagg Road) does not understand where the resistance is and raised concerns with the visibility of Town Counsel. Karen Shimkus (8 Lynbrook Road) asked the Board to seriously reconsider this matter. Chris Perkins (1 Tara Road) also encourages the Board to allow independent counsel to be hired. Huang Yan T (75 Flagg Road) questions what is the harm in having 2 lawyers with different opinions and opposing views? David Eckberg (5 High Street) supports the decision of the Planning Board. He stated that there has been a long history of developers taking advantage of town vulnerability and town counsel being outgunned by high power expensive attorneys. He asked the Board to provide adequate legal support to the Planning Board.

3. Discussion – Process for Public Hearing for Removal of ZBA member

Mr. Purple and Mr. Norris, Town Labor Counsel, had done some research and learned that there was a removal hearing for a ZBA member in 2010 in the Town of West Boylston. Mr. Norris recommended following the same process and procedure for this case. The procedure consists of the following steps: Selectmen will identify charges as presented in the complaint. At the removal hearing, Mr. Norris will be present and will swear in all persons that intend to testify. The complainants who submitted the petition will have the opportunity to provide testimony and any witnesses. The respondent will provide testimony and witnesses. There will be final statement and rebuttal by complainant and final statement and rebuttal by the respondent. The Selectmen will then ask any clarifying questions. Either of the parties can then request additional time if needed before hearing is closed. The BOS will take the matter under advisement and either have a follow up meeting or make a decision that evening. Selectmen now needs to set a date for the hearing and approve the charges that were listed in the Citizen's Complaint dated September 1, 2016. Mr. Norris suggested a 2 to 3 week time period. Mr. Cimino moved to set date for the hearing to be 12/6/2016 at 7pm. Mr. Kolenda seconded. Vote 3-0-2. Mr. Kolenda moved that the Board accept the charges as written. Mr. Cimino seconded. Vote 3-0-2. Mrs. Phaneuf and Mr. Rooney recused themselves from these votes.

III. Reports

1. Chairman's Report – none
2. Town Administrator Report – none

IV. Consent Agenda

1. Appoint Jonathan Green as ADA Coordinator for term ending June 30, 2017.
2. Appoint Kathleen Battles to Historical Commission to fill vacant term ending June 30, 2019.
3. Appoint Carol Yozzo to Council on Aging for term ending June 30, 2019.
4. Reappoint Building Inspector Mark Robidoux to 3-year term ending November 21, 2019.
5. Reauthorize transportation Memorandum of Understanding agreements for Southborough Emergency Management Agency (SEMA).
6. Approve Washington Street sewer easement, per Town Meeting vote on April 12, 2016.
7. Approve draft meeting schedule.
8. Accept \$215.00 donation for Southborough Youth and Family Services.
9. Accept \$2105.24 donation for Recreation Commission.
10. Approve Energy Reduction Plan for Green Communities application.
11. Approve release of Executive Session Minutes of August 2, 2016.

Mr. Shea noted that Item 1 will not be acted on as Mr. Greene asked to not seek the position of ADA Coordinator. Mr. Kolenda moved to approved items 2 to 4 and 6 to 10. Mr. Cimino seconded. All in

Favor 5-0. Item 5 is tabled for further clarification. On Item 11, Board voted to release only the portion of the Executive Minutes not pertaining to St. Marks. Passed Unanimously.

V. Other Matters Properly Before the Board

1. Approve Committee Charge for St. Marks Golf Course Master Plan Committee
2. Mr. Purple informed the Board that he has received some interests but have not had representation from specific groups. He believes once charge is set and approved, he will be able to advertise better and get more responses. Mr. Cimino moved to accept the charge as written with the one typo corrected. All in favor 5-0 Approve Committee Charge for Cable Television Committee

Mr. Kolenda moved to approve the charge amended with at least 3 and no more than 5 members. Mr. Cimino seconded. All in favor 5-0

3. Discussion on results of Question 4 to legalize the recreational use of marijuana
Question 4 passed Statewide but failed within the Town. The Board reached out for guidance regarding what protections the Town has. Mr. Cipriano will be attending a seminar tomorrow at the AG's office and will get back with a future date to present to the Board options available to the Town. Mr. Safdar Medina (19 Southwood Drive) appreciates the Board's support to oppose recreational use. He asked if CommCan Inc. can potentially have the right to overturn the agreement and sell recreational marijuana. Mr. Rooney affirmed that there is a clause in the agreement that they can only sell medicinal and the agreement can be cancelled if they diverge from that. Mr. Medina also stated that based on the election results, the citizens would prefer a complete bylaw prohibiting recreational marijuana. He also requested Mr. Cipriano to inquire if and how the Town can be more restrictive or prohibit home growth. Ms. Louise Barron (11 Sadie Hutt Lane) thanked the Board for support and urged that the Board cannot give into recreational marijuana. Mrs. Phaneuf made a motion that the Board of Selectmen will not support a recreational marijuana facility in this town. Mr. Kolenda seconded. All in Favor.

VI. Public Comment

Mr. Sam Stivers (7 Presidential Drive) appreciates the position the Board has taken with recreational marijuana. He also commented on the removal of the ZBA member and stated that the town has no provision for removal of elected official and he will be proposing a similar bylaw for the next town meeting. He was also curious on the ZBA's action on a possible billboard as this was indicated in the Recreation Commission meeting minutes dated 9/20 with respect to offering donation to recreation in support of this application. The Board and Mr. Purple have not read the minutes but will investigate further with the Recreation Commission.

VII. Meeting Adjourned at 9:07pm

<p style="text-align: center;"><i>Upcoming Meetings</i> <i>December 6, 2016</i> <i>December 20, 2016</i></p>

Respectfully submitted by Jenn Hom.



TOWN OF SOUTHBOROUGH

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TOWN CLERK'S OFFICE

BOARD OF SELECTMEN Meeting Minutes

2017 FEB 22 P 2: 20

SOUTHBOROUGH, MA

Meeting Date: December 6, 2016, 6:00 pm

Location: McAuliffe Hearing room, Southborough Town House

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, John Rooney, Paul Cimino: Town Administrator, Mark Purple

Absent:

I. Called Meeting to Order at 6pm

II. Scheduled Appointments

1. Interview and/or appoint members to St. Mark's Golf Course Master Plan Committee:

The Charge was finalized last week. There are 7 positions to fill consisting of 3 different memberships. First is the 3 representatives of existing committees. Second is the 2 abutter positions. Third is the 2 positions for members at large. Mr. Shea made appointment on the first three:

1. Bill Harrington (Council on Aging);
2. Brian Shifrin (Recreation Commission Rep)
3. Lisa Braccio (Open Space Preservation Comm. Rep).

Mrs. Phaneuf seconded and all in favor 5-0. The 3 applicants for the 2 abutter positions are Larry Vagnini; Stephen Scaringi; and Edward Pearson. All three are present and interviewed by the Board. Mr. Rooney made a motion to appoint Mr. Scaringi and Mr. Vagnini due to the location of their residential property that will cover larger part of the neighborhood. Mr. Kolenda supported the motion as stated. All in favor 5-0. There are 10 applicants to fill the 2 (citizens at large) positions. Joseph Kacevich, Sam Stivers, Virginia Martins, Melissa Shields, William Poutre, Thomas Lescalleet and Connell McNamara are present. Tom Truong and Rob Lorenson have prior commitments and cannot meet along with no response from Luisa Vargas-Bussey. The 7 applicants presented a brief statement on their interest in the committee and interviewed by the Board. Mr. Shea nominated Sam Stivers due to his extensive background and will be a strong advocate for planning future town needs. Mr. Kolenda made motion to expand the committee by 1 with the position being an advisory representative and appoint Mr. Stivers to the position. Mr. Rooney seconded. All in Favor 5-0. Mrs. Phaneuf noted that the committee is now at 8 with the recently added advisory role, it needs to sit at 9 for the committee to meet. Mr. Kolenda moved to expand committee by 1 and appoint Mr. Kacevich, Ms. Martins, and Mr. Lescalleet as members at large to the committee. All in Favor 5-0

Mr. Shea called for 10-minute recess taken at 7:13 pm
Return to Open Session and Public Hearing began at 7:24pm

2. 7:00pm Hearing for removal of ZBA Member.

Mr. Shea pointed out that Mr. Kolenda, Mr. Cimino and himself are the 3 Board Members that will be hearing this matter. Mrs. Phaneuf and Mr. Rooney have been advised to recuse themselves of this hearing due to conflicts. Mr. Tim Norris, Labor Counsel for the Town of Southborough, will be presiding over the hearing. This is a hearing pursuant to Mass General Law Chapter 48 Section 12 to determine whether there is cause to remove Leo Bartolini from

the Zoning Board of Appeals. Mr. Norris' role is to order the proceedings, make sure rules are followed, swear in witnesses, keep the clock running, answer any procedural matters or refer to the Board. Petitioners and the respondent will each have 30 minutes to present their case as well as 15 minutes each for closing and rebuttal. Mr. Gary Brackett introduced himself as the counsel to represent Marnie Hoolahan and the petitioners. Mr. Warren Heller also introduced himself as the attorney to the respondent, Leo Bartolini. Atty. Brackett will begin with Ms. Hoolahan and Mr. Herzog with brief opening statements as petitioners. He will then make his opening statement and move through the 8 charges and ask the witnesses to provide a narrative explanation. His closing statement will include a video presentation to support the 8 allegations against Mr. Bartolini. Marnie Hoolahan, 26 Clifford Road, requested by Mr. Purple to prepare citizen's testimony. As a signature for the petition, she does not have a statement prepared but felt that citizens should have an attorney present to represent their case therefore have asked Atty. Brackett to run this procedure on the citizens' behalf. Attila Herczeg, 4 Jacobs Lane, as citizen of and speaking on behalf of the petitioners, want to do their part to fix what is broken. The citizens of Southborough did their part by eliminating ZBA power to grant use variance at Special Town Meeting recently. He is now asking the Board of Selectmen to do their part to change the leadership and repopulate it with individuals who are neutral and impartial. Atty. Brackett stated his years of experience working as a public attorney for 42 years working at a city and state level. He noted the issues presented by petitioners on the first 5 bullet points and the second petition on the 8 bullet points raises issues that relate to basic elements of public service. They invoke issue under Open Meeting Law, Public Records Law, Conflicts of Interest Statue, Zoning Statue. Witnesses have been sworn in by Atty. Norris and will speak with their prepared statements and testimonies.

Sam Stivers, 7 Presidential Drive, had many direct observation experiences with Mr. Bartolini as a ZBA member and has confirmed his opinions on Mr. Bartolini's lack of fitness to serve on the ZBA as follows: lacks basic knowledge of zoning bylaw, failed as ZBA Chairman to follow through important issues, his errors and misjudgments have cost the Town significant litigation money. He has exhibited ongoing disrespect towards applicants, citizens and fellow ZBA members and disrespect specifically towards women. He concluded by saying that Mr. Bartolini is not able to keep up with current technology and the way the Town is doing business. He urged the Board of Selectmen to remove Mr. Bartolini from this position.

John Gulbankian, 15 Mt. Vickery Road, representing the Gulbankian family. He talked about the negative occurrences he and his family had with Mr. Bartolini and the stress put upon his family.

Mr. Chris Perkins, 1 Tara Road, is a 2-year resident of Southborough, has watched Mr. Bartolini disrespect and antagonize the townspeople. He does not follow town protocol, behavior remains deplorable and he interrupts at meetings.

Ms. Lisa Braccio, 13 Oregon Road, speaking as a private citizen in reference to her complaint of 2010. She had filed a complaint regarding the unprofessional behavior of Mr. Bartolini and lack of respect and a personal attack on her that had nothing to do with the issue before the Board. She asked the Selectmen to look at a history and pattern of bad behavior. Atty. Brackett asked

if he is allowed to use his rebuttal time to make a PowerPoint presentation, show a video, as well as hear remaining testimonies. Atty. Norris responded that he has 15 minutes and can use it however he sees fit. Atty. Brackett continued with a slide presenting Charge # 6 which showed process missteps. Conflict of Interest was filed by Mr. Bartolini that stated no business with the applicant. This set of Conflict of Interest statements encompasses the dates June 28, 2010; Oct 27, 2010; July 27, 2011; Aug 27, 2013; and March 25, 2015. These statements were not filed in accordance with the Conflict of Interest statutes and do not contain the information with the Conflict of Interest statute and don't appear to be filed in accordance of opinions by Town Counsel and the Ethics Commission. The statements do not have detailed facts and do not include all of the information required. There is documentary evidence signed by Mr. Bartolini that is inconsistent with his business relationship with Mr. Depietri. His involvement as a member of the Zoning Board is in violation of Conflict of Interest statute. Video clips of ZBA Meetings dated Dec 6, 2016; March 26 2014; May 28, 2014; August 6, 2014; May 27, 2015; June 10, 2015; March 24, 2016 Part 1; August 8, 2016; August 24, 2016 and Board of Selectmen ('BOS') Executive Session August 2, 2016 were presented. Atty. Brackett stated that a copy of the PowerPoint presentation and the video clips will be made available as an exhibit for the record of this hearing. He will also file names and summary of witness testimonies. Atty. Brackett believes that there is cause for removal of Mr. Bartolini on multiple fronts and suggests to the Board that if he is not removed, his continued participation as a member of the ZBA will expose the Town to litigations and deterioration of the public trust. M.G.L. chapter 40A section 12 gives the Board the authority to remove a member for cause. There is just cause for removal and he hereby requests that the Board vote to remove Mr. Bartolini immediately and allow an alternate to sit in immediately to assure that none of the future proceedings of ZBA are tainted by conflict.

At 8:30 pm Atty. Norris moved for a 5-minute recess to allow Atty. Heller to set up for his case. All in Favor, 3-0-0.

Public Hearing back in session at 8:34pm.

Atty. Heller spoke first with regards to Atty. Brackett's presentation on the conflict of interest dissertation. Atty. Heller said it was not a part of bullet No. 6 but instead Atty. Brackett introduced a new element relative to a subject that respondent is not prepared to rebut. Understanding the parameters that were given of this hearing by Atty. Norris and specific allegation to Petition No. 2. Atty. Heller asked the Board to give it no weight and do not take into consideration for deliberation. There have been 30 meetings over 2.5 years with hours upon hours of hearings. The Board is asked to take action based on what happened at meetings, therefore, Atty. Heller would like to offer into evidence DVDs of meetings from May 27, 2015 to August 17, 2016, The Park Central ZBA meetings. The Nov 3, 2016 BOS Meeting, and August 24, 2016 ZBA meeting. In order for this Board to make a sound decision, he urged the Board to view a substantial portion of the DVDs. The Petitioners presented the Board with fragments of various meetings in a video clip earlier. He suggests the Board do due diligence and give Mr. Bartolini due process needed to review these tapes in depth. Atty. Norris received

into record 3 DVDs. One marked Nov 3, 2016 BOS Meeting, another one marked May 27, 2015 to August 17, 2016 Park Central ZBA Meetings, and a third DVD marked August 24, ZBA Meeting 2016. Atty. Heller intends to make a formal statement addressing the allegations against Mr. Bartolini and will offer a couple of other exhibits for the Board to consider and hope to have sufficient time to present witnesses.

Atty. Heller proceeded with his opening statement to the Board on Mr. Bartolini's family history, contribution and commitment to the Town. Mr. Bartolini lived and grew up in Southborough his whole life. His commitment to the Town started when he served as an auxiliary Fire Fighter for the Town of Southborough for over 10 years into his early 20's. He worked in the family construction business and learned construction techniques and procedures, site plan review, and engineering principles. His extensive background has been an invaluable asset for the Town during his tenure on the Planning Board and ZBA. Selectmen were aware of the 2010 complaint and reappointed him in 2013. He has been a ZBA member for 9 years and served as its Chairman for 4 years. He has participated in the hearings and ultimate approval of four 40B projects that came before the ZBA, including the most recent Park Central application. Prior to serving in ZBA, he served for 9 years as a member of the Planning Board, initially appointed to fill a vacancy. He was elected and re-elected by the people of the Town to finish the term for a full 5-year term. He was also an original member of Southborough Housing Opportunity Partnership Committee, which was formed in the 1980's. He was involved in the writing of the rules and regulations for over 55 Housing Projects. In 2012, he served in a 5-member committee to consider whether to have a Town Administrator or Town Manager form of government. In 2013, he was also appointed to write a proposed bylaw for marijuana dispensaries for the Town of Southborough, which was approved at the 2014 Town Meeting. Mr. Bartolini has served many years of public service to the Town of Southborough. The allegations raised are unfair, untrue and motivated by personal and political reasons that are clearly evident to anyone who has followed the Park Central Project from its inception to now as well as the marijuana dispensary special permit proceedings before the ZBA which was also opposed by one of the leaders of this complainant group. Atty. Heller addressed the specific charges as listed in the citizen petition dated 9/1/2016 and received on 9/29/16 in the Town Selectmen's office. Atty. Heller noted that the first citizen petition dated 7/9/2016 had 5 issues of concern that are the same of the now 8 charges raised in the 9/1/16 petition. Atty. Heller would like to submit the first petition and have it marked as the exhibit. Atty. Norris received into the record the first petition memorandum citizen petition dated 7/9/2016. In an effort to build a record for this hearing, Atty. Heller also submitted minutes dated 8/2/2016 BOS Executive Session as the exhibit. Atty. Norris received into the record BOS Executive Session minutes dated 8/2/2016.

There have been no complaints against Mr. Bartolini in the 6 years until the most recent distorted and intentionally misstated actual facts of the 8/8/2016 ZBA meeting. He has sat on dozens of hearings in the past 6 years, while only recently a group of residents who are spearheaded by longtime political enemies of Mr. Bartolini became interested in a major project in the town. The only difference of the 2 petition is the new allegation of alleged and appalling

treatment of women who commented at ZBA hearings who he referred to as "that girl". It was a misrepresentation of Mr. Bartolini's reference of "that girl." He referred to her as "that girl" because he did not remember her name. Mr. Heller stated this allegation was more a case of age discrimination against Mr. Bartolini, for which Mr. Bartolini is owed an apology. For the record, Atty. Heller also submitted a definition of "girl" from the New Lexicon Webster's Dictionary as an exhibit. Atty. Norris received into the record an excerpt from The New Lexicon Webster Dictionary use of language. Atty. Brackett requested copies of all the materials Atty. Norris received on record. Atty. Heller will provide copies to Atty. Brackett. The first petition dated 7/9/2016 with the 5 charges have been addressed by the Board and satisfied by removing Mr. Bartolini from the Chair position. The decision tonight should be based solely on the new allegations to remove Mr. Bartolini from the ZBA. The petitioners' primary motive and agenda is to derail the decision of the ZBA with respect to the grant of the use variance to Park Central Project. A lawsuit was filed by Marnie Hoolahan, Karen Shimkus, and Karen Dubois Melo and several other area residents on 9/13/2016, against ZBA members Leo Bartolini, David Eagle, Paul Drepanos and Park Central LLC, William Depietri. It is believed that the removal of Mr. Bartolini for cause could give them some advantage in the lawsuit. Mr. Bartolini has not been charged with a criminal offense or anything that could justify his removal that would stand up in the Commonwealth of MA. The Board has the authority to reappoint or not appoint a person to a Board. Mr. Bartolini has 2 more years left of his 5-year term. He is the most senior member with a wealth of knowledge and historical perspective. To remove him would deprive the other 98% of the citizens who did not sign the removal petition. Atty. Heller urged the Board to do what is right even if it does not seem to be the politically expedient thing to do and not to remove Mr. Bartolini as a member of the ZBA. Atty. Heller would like to enter into the record a letter from Paul Drepanos, member of ZBA in support of Mr. Bartolini. Atty. Norris received into the record a letter from Mr. Paul Drepanos to the Southborough Board of Selectmen dated 12/5/2016.

Witnesses for the respondent were sworn in by Atty. Norris. Desiree Aselbekian, 137 Woodland Road, has attended many Selectmen meetings, ZBA Meetings, and often watched them on TV. Her observation of the ZBA meeting when Mr. Bartolini was a Chair conducted meetings similarly to how the BOS conduct meetings, where during public hearing he would often ask for comments from the audience. Her observations were the people attending the meeting can be hostile towards ZBA members and sometimes speak out of turn and don't wait to be called. She feels that this litigation does not serve the people of this community well and can subject itself to multiple petitions to remove a lot of different people of which they don't share similar decisions and don't like the personality of that person. Her experience talking with friends and neighbors mostly concur that this is a political witch hunt smeared campaign against Mr. Bartolini. Others in Town have a similar belief that this is a bad road for the residents of this town and that Mr. Bartolini has not exhibited the allegations set forth against him by this particular subset of the community. Mr. James Bourne, employee of Ken's Foods, 325 Turnpike Ave, has had interactions with Mr. Bartolini over the years on behalf of his employer. Meetings involved getting clarification of operating hours, expansion of the facility and variances, and interaction with neighbors. Initially, neighbors and Ken's Foods oppose one another on projects

but through Mr. Bartolini's leadership and conditions set by ZBA, the company and neighborhood are working on mutual agreement. Mr. Bourne's opinion of Mr. Bartolini was that he was strict, fair and evenhanded in dealings. This concludes the 45-minute allotted time to the respondent. Atty. Heller requested an additional 15 minutes for his final witness to testify. If not, he requests another date going by the rules set forth by this Board and if he is denied then it is denial of due process. Atty. Norris turned to the Board to make a determination to grant him additional time. In the interest of not having to come back, Mr. Cimino asked whether the complainant would be seeking an additional 15 minutes if the Board were to allow the respondent to do so. Atty. Brackett answered they would seek an equal amount of time. Mr. Shea is amenable to 15 minutes for each side to complete this portion of the evening. Both parties agreed and are satisfied with the additional 15 minutes. All in favor (3-0) to allow 15 minutes of additional time for each party.

Atty. Heller called Atty. Angelo Catanzaro who represents Bill Depietri, both of whom have appeared before several Board Meetings of this town. The attempt to remove Leo Bartolini is a direct reaction to those folks dissatisfied over certain decisions regarding Park Central. The first decision was a use variance. It is an unusual form of zoning relief, but that issue was fully vetted by Town Counsel. That use variance was the result of negotiations and a process that was instigated by Mr. Bartolini when there were other opponents of this project. What is significant to know is that not one of these petitioners appealed the use variance. Many appealed the comprehensive permit but no one appealed the Use Variance. Many feel that ZBA exceeded its authority but the fact is that once that variance is not appealed it is the law of the case. It would be a travesty if you remove him because these folks are dissatisfied with the result of the hearing that is taking place. Atty. Heller waived his last 2 minutes and thanked the Board for the opportunity to have all the witnesses heard. He urged this Board to not set a terrible precedent for the Town of Southborough starting by removing Mr. Bartolini.

Atty. Brackett began his 15 minutes at 9:43pm with witness testimonies. Karen Shimkus, 2 Lynbrook Road, wanted to correct some mischaracterization that was presented to the Board. In terms of being cut off, she was personally cut off at the 8/24 Comprehensive Permit Decision Hearing. Her reason to be part of this process is her love for the town and want to see laws apply correctly. John Greene, 10 Tara Road, has observed meetings where Mr. Bartolini did not let people speak and express their opinions. He believed the process was not handled correctly. Atty. Brackett would like to restate an issue that Atty. Heller did not rebut his allegation that Mr. Bartolini has falsified his Conflict of Interest forms. They are incomplete and inconsistent information regarding his business dealings with Mr. Depietri. Atty. Heller objected in his opening statement that this is beyond the scope of the hearing and suggested earlier that this is improperly before the Board. It is inappropriate because there was no advance notice and not part of the original charges against Mr. Bartolini. Atty. Brackett said since there was no objection when he presented it, he feels it is relevant to the processing and allegation and the 8-point claim with process of issue. Atty. Norris said that Atty. Heller's objection is noted and also cautioned Atty. Brackett that the Board will consider only the 8 areas in the petition and notice of hearing. Atty. Brackett noted that if Mr. Bartolini is still sitting on the ZBA on the Dec 14th

Meeting, he will be meeting with the State Ethics Commission in person to provide these documents. The evidence presented this evening has serious procedural defects. Conflict of interest alone provides the Board cause for immediate removal of Mr. Bartolini and ask an alternate member to step up to take care of any matter going forward.

Hearing closed at 10:01 pm

Atty. Norris yielded to Mr. Shea for a determination. Mr. Shea summarized the hearing with majority of the steps outlined and completed with no further questions from the Board. He also received clarification from Atty. Heller that the DVDs provided do not include hearings involving Ken's Foods. Atty. Norris said to the Board that it would be appropriate to review the materials individually and deliberate together at a later time. In fairness to the complainants, Mr. Shea requested copy of their video to exhibit as there were audio issues presented during the Hearing. Mr. Cimino asked Atty. Brackett what agenda items will be referenced at the Dec 14th ZBA Meeting. Atty. Brackett read the Agenda items for the Dec 14th meeting which includes an appeal from Capital Group on Park Central. Mr. Cimino suggested to Atty. Heller that he discuss with his client to consider recusing himself from the Dec 14th meeting, given the pendency of this hearing and the Board may or may not make a decision by then. Mr. Shea agreed that it would be at Mr. Bartolini's best interest given the pendency of this case only. Atty. Heller will consult with his client.

Mr. Kolenda requested a 5-minute recess. All in Favor 3-0

Return to open session with Public Comment at 10:20pm

3. Sign annual license renewals for calendar year 2017 (All-Alcohol Restaurant/Club/Package Store; Beer/Wine Restaurant/Package; Common Victualler's; Class I & Class II; Public Entertainment on Sunday; Automatic Amusement; Entertainment)

Mr. Purple noted that there are 2 exceptions not included in the packet: Rose Garden Public Entertainment on Sundays and the Volvo of Southborough Class I Dealer License. These renewals will be on the agenda for approval at the Dec 19th meeting. Otherwise, all license renewals are in order, inspections completed and funds received. Mr. Shea identified one item to be adjusted is the Southborough Variety Corp should be retail all package all alcohol and not retail package wine and malt. Mrs. Phaneuf made a motion that the Board sign the annual license renewal for 2017 calendar year as presented with corrections. Mr. Kolenda seconded all in favor 5-0

III. Reports

1. Chairman's Report

Mr. Shea followed up on a statement made by Mr. Stivers during Public Comment at the 11/15 Open Session Meeting relative to the Recreation Commission and its potential involvement regarding a digital billboard that is being proposed to the ZBA. Mr. Brian Shifrin, Recreation Commission, clarified with Mr. Shea that the Recreation Commission unanimously voted to take no position on the digital billboard project.

Annual Town Meeting warrant is open therefore any articles, initiatives and petitions should be submitted to Mr. Purple to get place holders in the warrant.

Another update is with respect to recreational marijuana. Mr. Cipriano has informed the Board that the Mass Municipal Lawyers Association is developing a summary statement to guide all municipal counsel.

Mr. Shea also briefed on a meeting that was held with the Planning Board, Mr. Purple, Mr. Cipriano and himself regarding independent counseling for the Planning Board. It continues to be involving and may result in further meetings and/or actions.

2. Town Administrator Report

Mr. Purple updated that the Green Community application has been submitted to the State and we will receive notification in the next few weeks. The Approval will give the town opportunity and ability to apply for grant funds for improvement.

IV. Consent Agenda

1. Appoint Vincent Acampora to ADA Committee
2. Approve salary for Building Inspector Mark Robidoux
3. Accept \$225.00 donation for Ambulance Fund
4. Accept \$7290.00 donation for Recreation Commission from participants in Gobble Wobble race
5. Accept payment in lieu of taxes donation of \$22,063.00 from Harvard Medical School
6. Authorize Town Administrator to sign temporary Right of Entry License for MassDot work to be performed at 112 Turnpike Road

Mrs. Phaneuf made a motion to approve Items 1 to 6. Mr. Kolenda seconded. Mr. Cimino moved to modify the motion to include items 1 to 5. Item 6 to be tabled. Mr. Rooney seconded. All in Favor 5-0

V. Other Matters Properly Before the Board

VI. Public Comment

John Greene, 10 Tara Road, is asking the Board to consider providing independent counsel to Planning Board as he believes that Planning Board is being sued by Capital Group.

The Board adjourned their open session at 10:23pm.

VII. Executive Session

The Board will be entering into Executive Session per M.G.L. 30A, Section 21, and will not return to Open Session, for the purpose of discussing pending litigation (Exemption 3), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position. Roll call vote was recorded as follows: Shea – yes; Phaneuf – yes; Rooney – yes; Kolenda – yes; Cimino – yes.

Submitted by Jenn Hom, Recording Secretary

**SOUTHBOROUGH BOARD OF SELECTMEN
DECEMBER 6, 2016 – EXECUTIVE SESSION MEETING MINUTES
MCAULIFFE HEARING ROOM
TOWN HOUSE, 17 COMMON STREET SOUTHBOROUGH MA**

RECEIVED
TOWN CLERK'S OFFICE
2018 APR 10 P 12:16
SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Paul Cimino, Dan Kolenda; Mark Purple, Town Administrator. Town Counsel Aldo Cipriano, and Planning Board members Don Morris (Chairman) and Phil Jenks were also present.

Independent Counsel for Planning Board

The Board met with Mr. Morris and Mr. Jenks to continue the discussion regarding Planning Board's request to hire independent counsel for the Park Central project. Mr. Morris reviewed the history of the November 28, 2016 documents from Attorney Catanzaro. Mr. Cipriano explained the process with the courts on the issue, based on his discussions with the court clerk and others. He said that he was told by the Court that the Planning Board filing should not have been accepted, and that it was done so in error. Mr. Cipriano outlined the process that the Court will take to dismiss the Planning Board appeal despite any objections from Mr. Catanzaro. After some discussion, Mr. Morris said that he is satisfied with the actions of Town Counsel on behalf of the Planning Board, and that he will not be actively seeking independent counsel for the Planning Board at this time. Mr. Cipriano said that if the situation with the case changes, he will revisit his advice to the Board of Selectmen on the issue of independent counsel for the Planning Board.

Park Central appeal before ZBA

Mr. Cipriano reviewed the appeal of the Planning Board's denial of the site plan review for the Park Central project now before the Zoning Board of Appeals. He said that one option was for the ZBA to remand the site plan review back to the Planning Board, which is what a Superior Court judge may do if the ZBA voted to reverse the Planning Board decision, and that decision was then appealed. Mr. Cipriano said that he was working with the ZBA to explore that option.

[Mr. Morris and Mr. Jenks left Executive Session at 11:12 PM]

Braccio Land Court case

Mr. Cipriano updated the Board on the Braccio case still pending before the Land Court on appeal. Ms. Braccio's attorney has issued a Stipulation for Dismissal, but without any recovery of legal expenses on the part of the Town. Mr. Cipriano asked the Board if they wanted to include legal expenses as part of their agreement to the Stipulation of Dismissal. Mr. Kolenda made a motion for the Town to agree to waive any recovery of the Town's legal expenses in this case, along with the disclosure to the Complainant of the Town's legal expenses to date in writing, seconded by Mr. Cimino. Unanimous roll call vote, 3-0-0.

The Board voted unanimously (3-0-0) by roll call to adjourn the Executive Session at 11:25 p.m.

Respectfully submitted,
Mark J. Purple, Town Administrator

Upcoming Meetings
December 19, 2016
January 3, 2017

List of documents referred to at the December 6, 2016 BOS meeting

Citizens Activity Form for the St. Marks Golf Course Master Plan Committee

-Joseph Kacevich

-Robert Lorensen

-Ginny Martins

-Connell McNamara

-William Poutre

-Melissa Shields

-Sam Stivers

-Tom Truong

-Larry Vagnini

-Luisa Vargas-Bussey

-Stephen Scaringi

-Edward Pearson

-Thomas Lescalleet

Letter from Mr. Gary Brackett (representative for Marnie Hoolahan and petitioners)

Legal Notice of Public Hearing

Letter from Mr. Purple to Mr. Bartolini dated 11/16/2016

License Renewals for Calendar Year 2017

Town Volunteer Form from Vincent Acampora

Memo on Building Inspector Salary dated 11/30/2016

Donation letter from Chief Mauro, Southborough Fire Chief dated 10/19/2016

Donation memo from Doreen Ferguson, Recreation Director dated 11/21/2016

Voluntary payment from Harvard University dated 12/1/2016

MassDot Right of Entry Form

**SOUTHBOROUGH BOARD OF SELECTMEN
DECEMBER 6, 2016 – EXECUTIVE SESSION MEETING MINUTES
MCAULIFFE HEARING ROOM
TOWN HOUSE, 17 COMMON STREET SOUTHBOROUGH MA**

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The Board voted unanimously (3-0-0) by roll call to adjourn the Executive Session at 11:25 p.m.

Respectfully submitted,
Mark J. Purple, Town Administrator



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: December 19, 2016, 6:30pm

Location: McAuliffe Hearing Room

Present: Brian Shea; Bonnie Phaneuf; Dan Kolenda; Paul Cimino; Town Administrator, Mark Purple;
John Rooney arrived at 7:16pm

Absent:

I. Called Meeting to Order at 6:30pm

II. Scheduled Appointments

1. Police Chief Ken Paulhus, RE: Appointment of new Sergeant position

He announced Detective Sean P. McCarthy as the recommended candidate to fill the position. The choice was unanimous with the members of the command staff. He hopes the Board concurs with this recommendation. Mr. Cimino moved that the Board endorsed the candidacy of Officer McCarthy to become Sergeant McCarthy. Mr. Kolenda seconded. All in favor 4-0

Mr. Shea moved for a 5-minute recess at 6:38pm. All in favor 4-0

Return to Open session at 6:43 pm.

2. Auditor Bill Fraher, RE: Fiscal Year 2016 Town audit report

Mr. Ballantine, Mr. Fraher and Ms. Kruger presented an overview of the FY 2016 Financial report. Mr. Fraher reported that the audit went well. It was a status quo audit from the year before with no major projects going on and did not identify any material weaknesses. There were no adjustments to be made from the Town's general ledger. Mr. Fraher showed several slides of the general fund and percentages from a 5-year average. Mr. Al Hamilton, 35 Pine Hill Road, recommended that the report should also show high school debt numbers because that is also the obligation of the town. The Board thanked the Finance team for the presentation. Mr. Shea skipped to the ZBA hearing discussion item on the agenda recommending that this item be the last item of discussion since Mrs. Phaneuf and Mr. Rooney (not present yet) had recused themselves from this discussion. Mr. Cimino learned from Atty. Brackett that his clients had filed a formal complaint to the State Ethics Commission against Mr. Bartolini. Atty. Brackett intends to supplement the file with additional allegations and materials. Mr. Cimino strongly suggested that the Board does not attempt to take a vote on this today until the outcome of the State Ethics process is reached in order to avoid repeating this process again. Mr. Kolenda voiced his concerns that it does not make sense to wait not knowing how long it will take. Mr. Shea feels that it is important that all 3 Board members are in a position to make a vote on this item, therefore he moved that the Board hold off voting on this until a date to be determined. Mr. Cimino would like to get a better sense of timing and expectation of decision. Mr. Purple will make some inquiries. Mr. Shea moved to table the discussion of the 12/6 hearing, regarding removal of a ZBA member. Mr. Cimino seconded. All in Favor 2-1. Mr. Kolenda opposed.

Mr. Rooney arrived at 7:16pm and joined the meeting.

3. Presentation from Tom LaFlamme, IT Manager, RE: Technology assessment

Mr. LaFlamme presented a slideshow of his assessment of the current conditions of technologies in each department. He also presented recommendations for policy, hardware, infrastructure, email, website, and social media. The Board appreciates the presentation and asked Mr. LaFlamme to put together a cost estimate for his recommendations.

4. Public Safety Study Committee, RE: Update on facility siting, cost, and option of Special Town Meeting

Mr. Hamilton, Chair of the Public Safety Study Committee, presented a slide show on the public safety facility showing progress to date. The committee had several meetings with the architect regarding site planning. The current best estimate is \$20 million. Next step is to plan public outreach efforts. They hope to have detailed site plan and detailed cost estimates by early February and is asking the Board to make a decision by early January whether to hold a special town meeting in early March. Mrs. Phaneuf suggested that Mr. Purple work on a date for the special town meeting with the Public Safety Study Committee and the Town Clerk. John Wilson, 4 Middle Road, would like to have his voice heard in support of saving the golf course. Mr. Shea suggested that he should attend the St. Mark's Golf Course Master Plan Committee meetings. Their first meeting is this Wednesday at the Senior Center.

5. Claire Reynolds, RE: update on Town Meeting Review Committee

Provided a presentation updating the Board on Town Meeting data and data from other communities and recommendations. Mr. Rooney asked if the Committee will be able to come up with a recommendation prior to the Board setting the next annual town meeting date. Which lead to Ms. Reynolds requesting the Board to consider reconstituting the size of the committee from 6 to 5 due to one member resigned and 2 other members attended only 50% of the meetings, which makes it difficult to have a quorum. Reducing it to 5 will require 3 members to be present. Mr. Kolenda made motion to reduce committee from 6 to 5 members. Mr. Rooney seconded. All in favor 5-0

III. Reports

1. Chairman's Report

Mr. Shea followed up on Mr. Kolenda's decorum memorandum which will be included in the next meeting.

2. Town Administrator Report

Mr. Purple will continue to look at budgets and revenues and will plan to make a presentation at the next meeting with the Finance Director.

IV. Consent Agenda

1. Approve Meeting Minutes: October 4, 2016, October 17, 2016
2. Accept \$2,000 donation from Focus Optimal LLC for EDC's Community Guide
3. Accept \$16,938.75 donation for Recreation Commission from participants in Gobble Wobble race.
4. Accept \$2,400 donation for Recreation Commission from Foundation for Metrowest/Southborough Community Fund.
5. Approve Memorandums of Understanding for SEMA.
6. Appoint Ginger Ruddy to Open Space Preservation Commission, term to expire June 30, 2019.
7. Appoint Connell McNamara to Open Space Preservation Commission, term to expire June 30, 2017.
8. Authorize Town Administrator to execute extension of Electric Supply Agreement with Constellation Energy.

9. Sign annual license renewals for calendar year 2017: Volvo of Southborough, Class I, and Rose Garden Entertainment License.
10. Renew 10-year MWRA Water Supply Continuation Agreement.
Mr. Kolenda made motion to approve Items 2 through 9. Mr. Cimino seconded. All in favor 5-0. Mrs. Phaneuf request to hold Item 1, October 4 minutes. Mr. Kolenda made motion to approve Item 1, October 17 minutes. All in favor 5-0. Mr. Shea recused himself from Item 10 and asked Mrs. Phaneuf to sign the agreement if the Board agreed to act on it. Mr. Cimino made motion to approve Item 10, Mr. Kolenda seconded. All in favor 4-0

V. Other Matters Properly Before the Board

1. Discussion on 12/6 hearing to remove ZBA member (may render a decision)
Tabled. Date to be determined.
2. Reconsideration of charge for St. Mark's Golf Course Master Plan Committee
Mr. Shea moved to change the wording in the charge from "direct abutters" to "citizens' proximity to the golf course". Mr. Shea's second motion is to increase the representation of citizens' proximity to the golf course by one, and appoint Mr. Pearson, which would raise the committee members to 10. Mr. Kolenda seconded. All in favor 4-0-1. Mr. Rooney abstained.

VI. Public Comment

Mr. Stivers, 7 Presidential Drive, have been interested in the operation of the Transfer Station stickers. He observed the numbers of out of state license plate and cars with no stickers that have passed through the transfer station. He identified nine violations and asked Ms. Galligan for follow up to these offenses. He requested clarification of policy and to have a regular monitoring of the transfer station.

Mr. Ben Keyes, 43 Lovers Lane, asked what is Mr. Bartolini's role on the ZBA while waiting for a decision from the State Ethics Commission? Mr. Cimino stated that Mr. Bartolini should take the advice of Town Counsel on this matter.

Ms. Karen Shimkus, 2 Lynbrook Road, has concerns with the question of process. Conflict of Interest forms that were filed appeared to be in conflict with one another; what is the process of the Board to report that? She feels that it is the responsibility of the Board to review the forms and follow procedure and follow through actions with State Ethics Commission.

Ms. Desiree Aselbekian, 137 Woodland Road, stated that she has filed many complaints and it is the individual resident's responsibility to file with the appropriate authority. The complainants can visit the State Ethics Commission website to learn the process or there is a number to call to speak to an attorney.

VII. Meeting adjourned at 9:12pm

Submitted by Jenn Hom, Recording Secretary

Upcoming Meetings

January 3, 2017

January, 17, 2017

List of documents referred to at the December 19, 2016 BOS meeting.

Letter from Chief Paulhus dated November 30, 2016
Financial Reports
Information Technology Assessment
Town Meeting Review Committee
October 4, 2016 minutes
October 17, 2016 minutes
Memo dated November 23, 2016 from Tony Kwan
Memo dated December 9, 2016 from Doreen Ferguson
Memo dated December 6, 2016 from Doreen Ferguson
Memo dated December 6, 2016 from Doreen Ferguson
Contract –Falconi Energy, Inc.
Contract- Juniper Farms, Bolton Oil Company
Citizen Activity Form – Ginger Ruddy
Citizen Activity Form – Connell McNamara
Letter from Lisa Braccio dated November 30, 2016
Memo from Mr. Purple dated December 8, 2016
Memo from Karen Galligan dated December 14, 2016
Revised Charge St. Marks Golf Course Master Plan Committee